

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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 UNITED STATES OF AMERICA, : CR-08-76
 :
 v. : U.S. Courthouse
 : Brooklyn, New York
 CHARLES CARNEGLIA, :
 :
 Defendant. : TRANSCRIPT OF TRIAL
 : February 9, 2009
 -----X 9:00 a.m.

BEFORE:

HONORABLE JACK B. WEINSTEIN, U.S.D.J.
and a Jury.

APPEARANCES:

For the Government: BENTON J. CAMPBELL,
United States Attorney
271 Cadman Plaza East
Brooklyn, New York 11201
BY: ROGER BURLINGAME,
EVAN NORRIS,
MARISA M. SEIFAN,
Assistant U.S. Attorneys

For the Defendant: KELLY SHARKEY, ESQ.
26 Court Street
Brooklyn, New York 11201

CURTIS J. FARBER, ESQ.
350 Broadway
New York, New York 10013

Court Reporter: Mickey Brymer, RPR
Official Court Reporter
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201
(718) 613-2255

Proceedings recorded by mechanical stenography.
transcript produced by Computer-Assisted Transcription.

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THE COURT: Court Exhibit 1, government letter of February 7th, the proposed redactions. Court Exhibit 2, government letter of February 3rd -- that's February 4th. Court Exhibit 2 of today's date is a letter of February 8th, Mr. Farber. Court Exhibit 3, February 8th. Court Exhibit 4, today's date, February 8th, government letter.

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MS. SHARKEY: I'm sorry, Judge, I didn't hear one.

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THE COURT: February 8, Court Exhibit 4 of today's date is the government letter. Court Exhibit 5 today's date, February 9th, Mr. Farber. Court Exhibit 6, today's date, memorandum of law in support of defendant's motion to suppress documents. The defendant is in place. The proposed redactions, any objections? What else do you want redactions?

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MS. SHARKEY: Judge, I memorialized in our letter what we sought to be redacted. Do you want me to go through it?

19

THE COURT: I do.

20

21

MS. SHARKEY: Okay. Are we talking about Mr. DiLeonardo's agreement or Mr. Zuccaro?

22

THE COURT: Zuccaro.

23

24

MS. SHARKEY: On Zuccaro's agreement the defense requested that paragraph four be included.

25

THE COURT: Paragraph four.

1 MS. SHARKEY: It lists the witnesses, I believe --
2 I don't have the letter in front of me.

3 THE COURT: I see no objection --

4 MR. BURLINGAME: Excuse me, Judge.

5 THE COURT: I see no objection to including
6 paragraph four. Do you?

7 MR. BURLINGAME: I thought it was slightly confusing
8 about what the coverage means. Your Honor said you wanted
9 bare bones.

10 THE COURT: Put that paragraph in.

11 MR. BURLINGAME: Do you want 4A and B included?

12 THE COURT: Do you want 4A and B?

13 MS. SHARKEY: I need a copy of the letter. Forgive
14 me, I didn't bring it.

15 THE COURT: I don't have B.

16 MR. BURLINGAME: The last one on the bottom of page
17 eight and it continues on to page nine.

18 MS. SHARKEY: We don't think it is necessary. If
19 the Court wants to include it --.

20 THE COURT: Do you want it?

21 MS. SHARKEY: No.

22 MR. FARBER: We want A, we don't want B.

23 THE COURT: Does the government want B?

24 MR. BURLINGAME: It refers to various other
25 paragraphs. I wanted to take a quick look to see.

1 MR. BURLINGAME: I think it is probably clearer
2 without it.

3 THE COURT: Without B, okay, so just put A in.
4 Otherwise okay on Zuccaro?

5 MS. SHARKEY: I believe so, your Honor -- no, Judge
6 there are two other paragraphs we asked be excised in our
7 letter, 9 and 10.

8 THE COURT: Obviously that's not going to be
9 excised. What else?

10 MR. BURLINGAME: What was the --.

11 THE COURT: They want to excise nine. You can't
12 excise nine.

13 MR. FARBER: We want to excise number ten.

14 THE COURT: You don't want that excised, do you?

15 MR. BURLINGAME: No, Judge.

16 THE COURT: That stays in for completeness. The
17 whole thing doesn't make sense.

18 Court Exhibit 2.

19 MS. SHARKEY: Your Honor, may I respectfully ask
20 before I move on there is an open question on DiLeonardo's
21 cooperation agreement. Last week the Court accepted the
22 government's proposed redactions. I asked the Court if we
23 could have an opportunity to --.

24 THE COURT: Let me have the redactions. Do you want
25 11 -- no, page four is understood, you want that paragraph

1 in?

2 MS. SHARKEY: Yes, Judge.

3 THE COURT: Fine. The rest of page four goes in.
4 What else do you want in?

5 MS. SHARKEY: Judge --.

6 THE COURT: And five.

7 MS. SHARKEY: -- on page five, paragraph three,
8 beginning with "It is understood that the defendant's
9 truthful cooperation," there it goes on to talk about the
10 witness' placement in the Witness Security Program or his
11 family's placement in the Witness Security Program. A, the
12 witness testified he has left the Witness Security Program.
13 I don't think that is dispositive, although the Court should
14 take it into consideration. I don't see how that is part of
15 the cooperation agreement that should appear before the jury.
16 He didn't testify that his family was in jeopardy. In fact,
17 he testified that almost just the opposite, he didn't even
18 invite his son into the Witness Security Program. I think it
19 is unnecessary, I think it is prejudicial, I think the Court
20 should leave it out.

21 THE COURT: Do you want it in?

22 MR. BURLINGAME: Yes, Judge.

23 THE COURT: It stays in. Obviously it is critical
24 to the understanding of the whole agreement.

25 MR. BURLINGAME: We've added in everything that was

1 cut out to page four and the top excision on page five,
2 excision on page five.

3 THE COURT: Correct.

4 MR. BURLINGAME: Thanks, Judge.

5 THE COURT: Court Exhibit 2 of today's date, the
6 cooperation agreement, that's been decided?

7 MR. BURLINGAME: I think we're done with the
8 cooperation agreement.

9 THE COURT: Now we have on page two of that letter
10 of February 8, Court Exhibit 2 a reference to Anthony
11 Ruggiano.

12 MS. SHARKEY: Yes, Judge. Actually, I would like
13 to elaborate on that a little more, because although we had
14 received the document certainly in discovery it is my
15 understanding that additional documents that fall under the
16 same rubric of relevance the government intends to introduce
17 at trial today.

18 Let me talk about DX 813. DX 813, your Honor, is a
19 video, a portion, I believe, that depicts a christening of
20 Ruggiano's sister in the early sixties, sometime during the
21 sixties. The defendant is not depicted in the christening.
22 There doesn't appear to be a link to the evidence being
23 sought to be introduced against Mr. Carneglia. I don't see
24 any relevance as to why this christening should in fact be
25 introduced at trial.

1 THE COURT: Why does the government want it?

2 MR. NORRIS: Your Honor, the christening video
3 contains the video of the defendant's sister's christening.
4 It has images of the defendant's father Fat Anthony Ruggiano,
5 soldier in the Gambino family -- I'm sorry, the witness'
6 family.

7 THE COURT: It comes in. It shows that these people
8 do congregate at family gatherings and that there is a
9 closeness with other elements of the family.

10 MS. SHARKEY: Judge, the government also seeks and
11 under the same argument that Mr. Norris is making, the
12 government also seeks to introduce photos of the witness as a
13 child with his father. If I could approach I'll give them to
14 the Court at a -- I don't know it is a religious event.

15 MR. NORRIS: It is a confirmation. It is actually
16 the witness' godfather, Tony Lee Guerrieri, who is his
17 father's partner in crime.

18 MS. SHARKEY: Additional family photo albums, none
19 of this portraying Mr. Carneglia. I'm going to ask that the
20 Court engage in some balancing. We could put this witness'
21 entire, you know, family tree in.

22 Additionally, Judge, Government's Exhibit -- I'm not
23 sure which exhibit numbers they're using. 316 A and B are
24 address books that the government seeks to introduce and the
25 defense similarly requests the exclusion of that evidence.

1 There appears to be no relevance to Mr. Carneglia and I don't
2 think that it is proper and that the Court should exclude it.

3 THE COURT: Well, these little books show the
4 address and names of other members of the crime family, do
5 they not?

6 MR. NORRIS: They do, multiple phone numbers of
7 relevant people.

8 THE COURT: Government's Exhibit 23 and 24 shows
9 family connections, both blood and marriage and --

10 MR. NORRIS: Correct.

11 THE COURT: -- and crime family, correct?

12 MR. NORRIS: That's correct, Judge.

13 THE COURT: All right, 23, 24, 316 A, 131, 130, 316
14 B come in. They are highly probative, tying the defendant
15 into the family over a long-term and therefore suggestive of
16 the fact that he remains in the family, which is crucial on
17 the issue of statute of limitations and on the primary issue
18 of RICO. I've considered the 403 balance and the government
19 is strongly motivated and should be permitted to put in these
20 exhibits.

21 MS. SHARKEY: Thank you.

22 THE COURT: Now, with respect to the same letter
23 what is the problem?

24 MR. FARBER: Judge, it depends on what the
25 government intends to use this agent for. If the agent is --

1 THE COURT: Let's find out. What are you using him
2 for?

3 MR. BURLINGAME: Judge, he will play -- the
4 defendant was -- went to the correctional institution in
5 November 18, 1999 and had a conversation with two Gambino
6 family captains in which he discussed his participation in
7 the murder of Michael Cotillo.

8 THE COURT: What will the agent do?

9 MR. BURLINGAME: He will introduce the recordings
10 and we will play the recordings and we do not intend to have
11 them interpret what the meaning is. Exception is so far as
12 there might be technical mob language.

13 THE COURT: Essentially authentication.

14 MR. FARBER: If it is just --.

15 THE COURT: It is admitted. Court Exhibit 3,
16 Government 23, the government letter of February 8th.

17 MS. SHARKEY: Judge, may I with the Court's
18 indulgence and forgive me. One further thing on the Zuccaro
19 cooperation agreement. I just want the record to be clear
20 that we're not waiving an objection. We had objected.

21 THE COURT: I understand to the whole thing.

22 MS. SHARKEY: One particular point about the
23 witness being subject to the death penalty if his cooperation
24 agreement was ripped. I had pointed out previously to the
25 Court that, A, it never happened before factually and that

1 there would be bars within the process of the U.S. Attorney's
2 Office, DOJ in actually putting that into play because --

3 THE COURT: I really don't want reargument. Do you
4 have a new point.

5 MS. SHARKEY: Just want to point out that the
6 cooperation agreement at the bottom of page 11 and the top of
7 page 12 talks about the enhanced penalty provisions for
8 violation as to which he has already pled guilty. That's the
9 particular section that the government relied on to elicit
10 this testimony. I believe that should be stricken.

11 THE COURT: Denied for the reasons already stated.

12 MS. SHARKEY: Understood, Judge. I just wanted to
13 make sure it is on the record.

14 THE COURT: I considered 403 and in view of the
15 testimony it comes in. And I've instructed the jury
16 essentially as defense counsel wished.

17 February 8th, Court Exhibit 3, what do you want?

18 MR. BURLINGAME: Which letter, Judge?

19 THE COURT: Court Exhibit 8, the government
20 respectfully requests admissibility of three then Gambino
21 family associates. What document --

22 MR. NORRIS: Judge, we are seeking to admit both as
23 coconspirator statements and excited utterance.

24 THE COURT: What statements.

25 MR. NORRIS: Of Karl Amato, cooperation witness

1 number one --.

2 THE COURT: Zuccaro is already in.

3 MR. NORRIS: True. Zuccaro is already in. This
4 addresses that Zuccaro -- this addresses the witness today,
5 Anthony Ruggiano's expected testimony.

6 THE COURT: What specific testimony do you want?

7 MR. NORRIS: First, he had conversations with a
8 close associate and friend of his Carl Amato who is a witness
9 to the event at the diner about what happened at the diner
10 that night.

11 THE COURT: That's in connection with Burke, the
12 killing of Burke?

13 MR. NORRIS: No, the killing of Cotillo. Cotillo
14 is the killing that's the subject of the audiotape as well.
15 There was a sit-down which resulted. Carl Amato came to
16 Ruggiano --

17 THE COURT: How long after the event?

18 MR. NORRIS: That morning, seeking protection of
19 Fat Andy. Second set of statements are from Robert Engel,
20 another close associate. The witness is Anthony Ruggiano,
21 who himself was also present at the diner and involved in the
22 fight with the defendant killing --.

23 THE COURT: Almost contemporaneous?

24 MR. NORRIS: Yes.

25 THE COURT: Enough. Anything else?

1 MR. NORRIS: One other set of conversations with
2 Gambino associate Freddy DeCongilio.

3 THE COURT: When?

4 MR. NORRIS: Approximately four days after the
5 events, after the funeral.

6 THE COURT: What did that say?

7 MR. NORRIS: Freddy DeCongilio's daughter Phyllis
8 DeCongilio was at the diner that night. She was dating
9 Robert Engel, who is one of the other individuals and
10 DeCongilio stated to Ruggiano both that he was upset with
11 Engel for having participated in the fight and angry at the
12 defendant for having killed somebody in front of his
13 daughter.

14 THE COURT: That ties in with respect to the general
15 mode of operation of the mob and the sociology of the mob
16 with respect to females?

17 MR. NORRIS: Correct.

18 THE COURT: What is the objection?

19 MS. SHARKEY: They differ with the different
20 witnesses, Judge.

21 First, I would note and I understand the purpose of
22 the rule, but, nonetheless, the first conversation that the
23 government seeks to bring in the Court should be aware that
24 Ruggiano is not present at this fight and there are other
25 witnesses that the government intends to call who were

1 present. In fact, one is scheduled to testify today,
2 Mr. Engel

3 The conversations that the government seeks to
4 elicit, the first conversation from Mr. Amato, the defense
5 requests that the Court keep it out for reasons similar to
6 why the Court limited some of this testimony in regards to
7 Michael DiLeonardo. The Court talked about the balancing
8 aspect as far as DiLeonardo's testimony goes. The Court
9 talked about the fact that DiLeonardo was not present at the
10 event for which the defendant is directly charged. It is a
11 direct murder. It is one of the racketeering acts and the
12 Court engaged in a balancing test on DiLeonardo. Similarly,
13 we would ask that the Court continue that rationale in regard
14 to this witness. Certainly that testimony is coming in
15 through Engel sometime after lunch. As far as the first
16 conversation that the government seeks to bring from Ruggiano
17 concerning conversation with another individual, we would
18 request that the Court preclude that and that specifically
19 the conversation with Amato --

20 THE COURT: Denied. All of these witness are under
21 severe attack of credibility and therefore the buttressing
22 and interconnectioning of the testimony is critical to the
23 government's case and in considering 403 and probative force,
24 it clearly reveals need to know what's going on within the
25 mob.

1 What's next?

2 MS. SHARKEY: Well, Judge, I have the same argument
3 as to conversations two and three. I think Engel is
4 scheduled to testify later on this afternoon about an event
5 -- what the government seeks to elicit in the second request
6 from Ruggiano about a conversation with Engel is -- goes to
7 the sit-downs that the Court heard about through Peter
8 Zuccaro.

9 Now, Engel wasn't present at the sit-downs, but I
10 imagine that the Court will let him testify about them, but
11 the Court shouldn't go into a third level of hearsay with
12 Ruggiano about what Engel heard about a third aspect.
13 Certainly will make the same application before Engel
14 testifies, but I imagine the Court is going to let it in.
15 We understand the basis for letting it in through Engel, but
16 the defense's position is that the Court should not allow
17 them to go that deep into multiple levels of hearsay on
18 Ruggiano eliciting a conversation from Engel about a third
19 conversation that Engel had with somebody else.

20 THE COURT: The motion is denied. The government
21 clearly needs this. Engel is going to be under serious
22 attack with respect to credibility, as are all the witnesses
23 and the interconnected or inconsistent evidence of these
24 witnesses is critical to the government's cases. Besides
25 which, for internal purposes of control of the organization

1 there has to be a good deal of transparency so that the
2 judicial aspects of the mob's governmental administration is
3 known to all members. This clearly comes in.

4 MS. SHARKEY: Judge --.

5 THE COURT: Under the new Obama dispensation of
6 transparency compared to the Cheney view it has to come in.

7 MS. SHARKEY: What rule is that, Judge? I'm
8 kidding.

9 THE COURT: The rule of openness and the rule of
10 relevancy. I can rely on Rule 401, 402 and 403 as well as
11 the hearsay rules.

12 MS. SHARKEY: Judge, respectfully, as far as
13 DeCongilio's testimony, the defense makes the same
14 application. This purported conversation happened days
15 later. It was more of a gossipy nature concerning the
16 witness -- I mean Ruggiano is talking to DeCongilio.
17 DeCongilio doesn't like the fact that his daughter is dating
18 Engel. Certainly not something that would be in the
19 furtherance of the conspiracy. It is more of a gossipy
20 personal nature and the defense requests for all the previous
21 reasons raised that that third conversation be precluded.

22 THE COURT: Denied for the same reasons I've stated
23 repeatedly this morning. February 9th letter --

24 MS. SHARKEY: Judge, can I ask one question on that
25 respectfully? I understand the Court's ruling and I know you

1 want to move on.

2 THE COURT: No, I have all the time in the world.

3 MS. SHARKEY: Okay. Thank you, Judge. One of the
4 reasons that you precluded DiLeonardo from testifying about
5 these multiple level hearsay issues, was that it went to the
6 ultimate issue of a charged murder. Now, that's true with
7 these three conversations, also. At the beginning the Court
8 exhibited and spoke about how you wouldn't allow that third
9 level of hearsay in on the ultimate issue and I respectfully
10 request that the Court reconsider its ruling as far as this
11 third conversation. This is also a charged murder and
12 respectfully, Judge, I think the Court's rulings -- we
13 request that the Court hearken back to at its original
14 rationale.

15 THE COURT: If I reconsidered, I would reconsider my
16 earlier ruling and favor the government. This Court is
17 completely ignorant of how the mob operates and all of the
18 evidence that has been adduced, never having had the pleasure
19 of hearing any of this kind of evidence before. As the case
20 progresses the Court becomes increasingly aware and familiar
21 with the evidence and therefore it is perfectly reasonable
22 for later rulings to be more precise and defensible.

23 Motion denied.

24 February 9th transcription.

25 MR. FARBER: Yes, Judge, actually, my letter of

1 February 9 actually dates back to the letter of February 8th
2 as well by Ms. Sharkey where we initially noted upon
3 listening to the final transcript, final version of the audio
4 and visual of the tape together with the transcript that was
5 provided over the weekend we did not hear four words that the
6 government say the tape had.

7 We understand it is subject to argument. I have
8 prepared a proposed --.

9 THE COURT: Give it to the jury. We'll replay it
10 after the government replays it with its transcript. We'll
11 replay it with your transcript.

12 MR. FARBER: So the record is clear, my transcript
13 is identical to the government's transcript, omitting those
14 four words.

15 THE COURT: When the government finishes you can
16 tell them, the jury, that your transcript omits certain words
17 or you can have it replayed with your transcript. Your
18 choice.

19 MR. FARBER: Judge, actually, I would request
20 actually the jury be provided both transcripts at the same
21 time.

22 THE COURT: They can't read two transcripts at the
23 same time. Even though we have two eyes. There are very few
24 people that can use them independently.

25 MS. SHARKEY: Judge, I think it is redundant to

1 have it --

2 THE COURT: Obviously you don't want it that way.

3 MS. SHARKEY: Right.

4 THE COURT: I suggest you take option B, which is to
5 tell the jury that those few words that are on the transcript
6 you didn't hear. I'll allow you to tell them that just
7 before it's played so they will listen intentionally.

8 MR. FARBER: That's fine, Judge.

9 MR. BURLINGAME: Judge, on the issue I wanted to
10 alert the Court the government's intention is to actually
11 play the tape.

12 THE COURT: Of course.

13 MR. BURLINGAME: Twice.

14 THE COURT: Very good. Do that. You can play it
15 twice.

16 MR. BURLINGAME: Thank you, Judge. Court Exhibit 6,
17 the renewed motion to suppress documents seized. I don't
18 want any argument. I'll consider your letter. You're
19 denied. Motion is denied. Bring in the jury.

20 MS. SHARKEY: Judge, we have one other.

21 THE COURT: Bring in the witness. Where is the
22 witness? Have the witness take the stand.

23 MS. SHARKEY: Judge, we have one other application.
24 On today's witness Nicholas Ucci, U-c-c-i, we have no 3500
25 material for him. We would ask for an offer of proof outside

1 the presence of the jury before this witness takes the stand.

2 MS. SEIFAN: Your Honor, he is the police officer
3 who responded to the scene of the Cotillo murder. We don't
4 have any documents.

5 THE COURT: What will he say?

6 MS. SEIFAN: He responded to the scene, he and
7 another officer put the -- Michael Cotillo into the police
8 car and drove him to Interboro Hospital.

9 THE COURT: That's enough. Where is the witness?

10 MR. NORRIS: Can we have three minutes to quickly
11 run to the restroom before we start?

12 THE COURT: Yes. The witness will remain.

13 THE COURT: Where is the witness?

14 (The jury enters the courtroom.)

15 THE COURT: Good morning everyone. Please, be
16 seated. Good morning. Sorry to have kept you waiting. We
17 have technical problems. You all understand that. We had to
18 take care of it. Put off your cell phones, please.

19 Swear the witness

20 A N T H O N Y R U G G I A N O , called as the
21 witness herein, having been first duly sworn/affirmed,
22 testified as follows:

23 LAW CLERK: You may be seated. Please state and
24 spell your name for the court reporter.

25 THE WITNESS: Anthony Ruggiano, Jr. R-u-g-g-i-a-n-o.

Ruggiano-direct/Norris

1 THE COURT: Proceed, please.

2 DIRECT EXAMINATION

3 BY MR. NORRIS:

4 Q. Sir, were you part of organized crime?

5 A. Yes.

6 Q. Since when?

7 A. Since I was about 16 years old.

8 Q. Who was your father?

9 A. He was a soldier in the Gambino family.

10 Q. What was his name?

11 A. Fat Andy.

12 Q. What year was he inducted into the Gambino family?

13 A. 1953.

14 Q. What year were you born?

15 A. The same year, 1953.

16 Q. What was your affiliation in organized crime?

17 A. I was an associate.

18 Q. What family?

19 A. The Gambino family.

20 Q. Please make sure you speak into the microphone, sir.

21 How long were you an associate in the Gambino family?

22 A. Till around two-and-a-half years ago.

23 Q. What happened then?

24 A. I started cooperating with the government.

25 Q. Looking around the courtroom, do you see anyone else

Ruggiano-direct/Norris

1 here who's affiliated with the Gambino family?

2 A. Yes, I do.

3 Q. Who?

4 A. Charles (pointing).

5 Q. What's his last name?

6 A. Carneglia.

7 Q. Can you identify him by something he's wearing?

8 A. Yeah, a blue sweater.

9 Q. Let the record reflect the witness identified the
10 defendant.

11 THE COURT: Yes.

12 Q. How long have you known the defendant?

13 A. Since I was about 17.

14 Q. What year would that have been?

15 A. 1970.

16 Q. Was the defendant affiliated with the Gambino family the
17 whole time you knew him?

18 A. Yes, he was.

19 Q. What was the defendant's position in the Gambino crime
20 family?

21 A. He was a soldier.

22 Q. What was the defendant's role in the Gambino family?

23 MS. SHARKEY: Objection.

24 THE COURT: You better proceed a little bit longer
25 before you get into that characterization.

Ruggiano-direct/Norris

1 Q. Where did you grow up?

2 A. Ozone Park.

3 Q. How far did you go in school?

4 A. Sophomore in high school.

5 Q. Did you get a G.E.D.?

6 A. Yes.

7 Q. Where?

8 A. In prison.

9 Q. How much of your life have you spent in prison?

10 A. A little less than 13 years.

11 Q. Are you married?

12 A. Yes, I am.

13 Q. Is this your second marriage?

14 A. Yes, it is.

15 Q. Do you have any children?

16 A. Yes.

17 Q. How many?

18 A. Excuse me. Two.

19 Q. How old are they?

20 A. My son is 25 and my daughter is 15.

21 Q. Are you currently living in an undisclosed location?

22 A. Yes, I am.

23 Q. Is that to protect your safety?

24 A. Yes, it is.

25 Q. How long have you had your safety protected?

Ruggiano-direct/Norris

1 A. About two-and-a-half years now.

2 Q. You mentioned the Gambino family. What's the Gambino
3 family?

4 A. It is one of the five Mafia families in New York City.

5 Q. What are the other four?

6 A. Bonanno family, Genovese family, the Luchese family and
7 the Colombo family.

8 Q. Are there any New Jersey based families?

9 A. Yes, there is.

10 Q. Who?

11 A. The DeCalvacante family.

12 Q. What is the main goal of the Gambino crime family?

13 A. To make money.

14 Q. Does the Gambino family have an organizational
15 structure?

16 A. Yes, they do.

17 Q. Did you learn about the structure?

18 A. Yes, I did.

19 Q. From who?

20 A. From my father.

21 Q. What are the top leadership positions of the Gambino
22 family?

23 A. Boss, underboss and the consigliere.

24 Q. What is the role of the boss?

25 A. The boss delegates orders, makes decisions.

Ruggiano-direct/Norris

1 Q. What is the scope of the boss' power?

2 A. Absolute.

3 Q. What is the role of the underboss?

4 A. He delegates the boss' orders.

5 Q. What is the role of the consigliere?

6 A. He keeps peace amongst captains.

7 Q. What positions are under the top three leadership
8 positions?

9 A. Captains.

10 Q. What is another name for a captain?

11 A. Capos.

12 Q. And what position is under captain?

13 A. Soldiers.

14 Q. What is another name or names for a soldier?

15 A. Wise guy, button guy.

16 Q. Made guy?

17 A. Made guy.

18 Q. What position is under soldier?

19 A. Associates.

20 Q. Typically, who does an associate report to?

21 A. The soldier.

22 Q. In some instances do associates report to people other
23 than soldiers?

24 A. Yes.

25 Q. Like who?

Ruggiano-direct/Norris

1 A. Captains, the boss, if he's friendly with him.

2 Q. Do associates ever report to other associates as well?

3 A. Yes.

4 Q. Are you familiar with the term "crew"?

5 A. Yes, I am.

6 Q. What is a crew?

7 A. A crew is members of a soldier's crew, members of his
8 gang.

9 Q. Can a captain have a crew?

10 A. Yes.

11 Q. And a soldier can have a crew as well?

12 A. Yes.

13 Q. Can you explain to the jury how an associate can become
14 a made member?

15 A. By killing somebody, making a lot of money.

16 Q. Was it always those two ways?

17 A. No.

18 Q. What did it used to be?

19 A. You had to kill somebody.

20 Q. Is there another term for killing somebody in organized
21 crime?

22 A. Yes.

23 Q. What?

24 A. Got to do a piece of work.

25 Q. You said your father's name was Fat Andy; is that right?

Ruggiano-direct/Norris

1 A. Yes.

2 Q. What was his full name?

3 A. Anthony Ruggiano.

4 Q. How did he get the name Fat Andy when his name was Andy?

5 A. Because around the time he got straightened out he
6 started putting on a lot of weight and his sister gave him
7 the name Andy when he was a kid. Nicknamed him when he was a
8 kid.

9 Q. "Straightened out," what does that mean?

10 A. Became a made member.

11 Q. You said your father became a made member in 1953?

12 A. Yes.

13 Q. Who proposed him?

14 A. Charlie Wagner.

15 Q. Who was that?

16 A. He was a soldier with the Gambino family at the time,
17 but I don't think it was called the Gambino family back then.

18 Q. What was it called?

19 A. Albert Anastasio was the boss.

20 Q. When did it become the Gambino family?

21 A. When Carl Gambino became the boss.

22 Q. Who else did Charlie Wagner propose?

23 MS. SHARKEY: Objection.

24 THE COURT: I will allow it.

25 A. John Gotti.

Ruggiano-direct/Norris

1 Q. Were you close to your father, sir?

2 A. Yes, I was.

3 Q. Did he want you to become a soldier?

4 A. Yes, he did.

5 Q. Did he confide in you about crimes people in the Gambino
6 family committed?

7 A. Yes, he did.

8 Q. Did he confide in you about crimes he committed?

9 A. Yes, he did.

10 Q. Including murder?

11 A. Yes.

12 Q. How many?

13 A. About seven murders.

14 Q. Who did he tell you that he killed?

15 A. Told me he killed somebody with a fellow named Joe
16 Pizzonia and he killed a florist in Brooklyn, he killed three
17 people in a warehouse that was robbing crap games, he killed
18 somebody with me, conspired with my brother-in-law, and they
19 had this guy Irish Danny killed behind the Skyway Motel on
20 Conduit Boulevard.

21 Q. What was your father's attitude towards murder?

22 A. Didn't phase him at all.

23 Q. Was he an influential member in the family even as a
24 soldier?

25 A. Yes, he was.

Ruggiano-direct/Norris

1 Q. Did he ever become a captain?

2 A. No, he didn't.

3 Q. Was he sometimes mistaken as one?

4 A. Yes.

5 Q. Why?

6 A. He had a lot of power, he had a big crew, had a lot of
7 influence. He did a lot of work for the family so people
8 just assumed he was a captain.

9 Q. By doing a lot of work, you mean he killed a lot of
10 people?

11 A. Yes.

12 Q. As a result of being Fat Andy's son, did you learn a lot
13 about organized crime?

14 A. Yes, I did.

15 Q. Is your father still alive?

16 A. No, he's not.

17 Q. When did he die?

18 A. March 19th, 1999.

19 Q. He was a soldier for about 46 years?

20 A. Close to it, yes.

21 Q. Did he remain a member of the Gambino family until the
22 day of his death?

23 A. Yes, he did.

24 Q. Where was your father for most of the 1980s and 1990s?

25 A. In prison.

Ruggiano-direct/Norris

1 Q. Were you ever proposed to be a member in the Gambino
2 family?

3 A. Yes, I was.

4 Q. What does that mean to be proposed?

5 A. My name was put on a list passed around to the other
6 families to get approved.

7 Q. The other families you mentioned earlier?

8 A. Yes.

9 Q. How many times were you proposed?

10 A. Twice.

11 Q. When was the first time?

12 A. In the early nineties.

13 Q. Explain what happened.

14 A. Tony Lee, my father's partner, and my father proposed me
15 and it never happened and then I had gotten arrested and I
16 went to prison. In '91 I went to prison.

17 Q. You said that was Tony Lee who was your father's
18 partner?

19 A. Yes.

20 Q. Why didn't your father propose you at the time?

21 A. He was in prison.

22 Q. When was the second time you were proposed?

23 A. When I got out of prison again in '04.

24 Q. 2004?

25 A. Yes.

Ruggiano-direct/Norris

1 Q. Were you ultimately inducted into the family?

2 A. No, I wasn't.

3 Q. Why not?

4 A. I got arrested.

5 Q. Your rank was always an associate?

6 A. Yes.

7 Q. Can you explain to the jury what it means to be an
8 associate in the Gambino crime family?

9 A. I was part of my father's crew. I was part of the
10 soldiers crew. I worked in bookmaking offices, his number
11 offices, sold swag for him.

12 Q. What's swag?

13 A. Stolen merchandise.

14 Q. What is a numbers office?

15 A. Policy, like the Lotto.

16 Q. Gambling?

17 A. Right.

18 Q. Who were you associated with originally?

19 A. My father.

20 Q. Were you associated with Tony Lee as well?

21 A. Yes, they were partners.

22 Q. What was Tony Lee's position in the Gambino family?

23 A. He was a soldier.

24 Q. Like your father?

25 A. Yes.

Ruggiano-direct/Norris

1 Q. Do you know Tony Lee's full name?

2 A. Yes, I do.

3 Q. What is it?

4 A. Anthony Guerrieri.

5 Q. When did he become a made member?

6 A. 1956.

7 Q. Who was involved in proposing his membership?

8 A. My father.

9 Q. Was Tony Lee an influential member in the Gambino family
10 even as a soldier?

11 A. Yes, he was.

12 Q. Did he ever become a captain?

13 A. No, he didn't.

14 Q. Was he, like your father, sometimes mistaken as one?

15 A. Yes, he was.

16 Q. Did Tony Lee pass away?

17 A. Yes, he did.

18 Q. What year?

19 A. February of 1993.

20 Q. You said Tony Lee and your father were partners. Can
21 you explain to the jury what the relationship was like.

22 A. They were like brothers.

23 Q. What was your relationship like with Tony Lee?

24 A. He was like my second father.

25 Q. Did you commit crimes with him?

Ruggiano-direct/Norris

1 A. Yes, I did.

2 Q. What crimes?

3 A. Murder, gambling, extortion, stolen property, credit
4 card fraud.

5 Q. Showing you what's in evidence as Government's Exhibit
6 2 LLL. Who's that

7 A. That's my father.

8 Q. Fat Andy?

9 A. Yes.

10 Q. Showing you what's in evidence as Government's Exhibit
11 2 AAA. Who's that

12 A. That's Tony Lee.

13 Q. Anthony Guerrieri?

14 A. Yes.

15 Q. Again, what is the highest rank they attained in the
16 Gambino family?

17 A. Soldiers.

18 Q. You said that Tony Lee passed away in 1993, correct?

19 A. Yes.

20 Q. After he passed away, who were you with?

21 A. I was with my father and his brother Mikey Gow.

22 Q. Tony Lee's brother?

23 A. Tony's brother Mikey Gow.

24 Q. Do you know Mikey Gow's first name?

25 A. Michael Guerrieri.

Ruggiano-direct/Norris

1 Q. When did he become a made member of the Gambino family?

2 A. I think 1976.

3 Q. Who was involved in proposing him?

4 A. My father and Tony Lee.

5 Q. Did you commit any crimes with Mikey Gow?

6 A. Yes.

7 Q. What crimes?

8 A. Murder, gambling, extortion.

9 Q. After your father passed away in 1999, who were you with
10 at that time?

11 A. Mikey Gow.

12 Q. Who were you ultimately with before you were arrested?

13 A. Nicholas Corozzo.

14 Q. Who is Nicholas Corozzo?

15 A. A captain in the Gambino family.

16 Q. How did you refer to him?

17 A. Nicky.

18 Q. Nicky?

19 A. Yeah.

20 Q. Did Nicky have a partner?

21 A. Yes, he did.

22 Q. Who?

23 A. Lenny DiMaria.

24 Q. Who was Lenny DiMaria?

25 A. Captain in the Gambino family.

Ruggiano-direct/Norris

1 Q. Like Nicky?

2 A. Yes.

3 Q. Are Nicky and Lenny close?

4 A. Like brothers.

5 Q. Similar to your father and Tony Lee?

6 A. Yes.

7 Q. Does Nicky have a brother?

8 A. Yes, he does.

9 Q. Who?

10 A. He has a few brothers.

11 Q. Name them?

12 A. JoJo, Blaze and Anthony.

13 Q. Who is JoJo?

14 A. He is the consigliere of the Gambino family.

15 Q. What's his full name?

16 A. Joseph Corozzo.

17 Q. How long have you known Nicky Corozzo?

18 A. My whole life.

19 Q. How long have you known JoJo Corozzo?

20 A. My whole life.

21 Q. How long have you known Lenny DiMaria?

22 A. All my life.

23 Q. Did they come around your father's house when you were a
24 kid?

25 A. All the time.

Ruggiano-direct/Norris

1 Q. Whose crew were Nicky, Lenny and JoJo in when you were
2 young?

3 A. My father's.

4 Q. Who proposed them for membership?

5 A. My father and Tony Lee.

6 Q. Showing you what's in evidence as Government's Exhibit
7 2 F, who is that

8 A. JoJo Corozzo.

9 Q. Again, what is the highest position he attained in the
10 Gambino crime family?

11 A. Consigliere.

12 Q. Showing you what's in evidence as 2G, who's that?

13 A. Nicky Corozzo.

14 Q. What is the highest position he attained in the Gambino
15 family?

16 A. Captain.

17 Q. Showing you what's in evidence as Government's Exhibit
18 2 K. Who is that

19 A. Lenny DiMaria.

20 Q. What is the highest position he attained in the Gambino
21 family?

22 A. Captain.

23 Q. Nicky and Lenny, they were partners?

24 A. Yes, they were.

25 Q. You testified that your father and Tony Lee were close

Ruggiano-direct/Norris

1 friends and partners, correct?

2 A. Yes.

3 Q. And though they were never captains a lot of people
4 thought they were, correct?

5 A. Yes.

6 Q. That was because of the power and influence they had in
7 the family, correct?

8 A. Yes.

9 Q. And the power and influence came in part from the fact
10 they had a large crew; isn't that right?

11 A. Yes.

12 Q. You mentioned Tony Lee's brother Mikey Gow. Was he in
13 their crew as well?

14 A. Yes, he was.

15 Q. Nicky and Lenny, before they became captains, were they
16 also in your father's crew?

17 A. Before they became soldiers they were in my father's
18 crew.

19 Q. Going back to the 1970's, who else was in your father's
20 crew?

21 A. Ronny One Arm, Robert Engel, me, Sal Pecchio, Jimmy
22 Brother, Blaze Corozzo, Anthony Corozzo, Big Louie.

23 Q. Do you know someone named Carl Amato?

24 A. Carl Amato.

25 Q. Does he have a brother?

Ruggiano-direct/Norris

1 A. Yeah, Robert. Carl Amato has a brother named Robert.

2 Q. Did you have a brother?

3 A. Yes, I did.

4 Q. What was his name?

5 A. Albert.

6 Q. Was he in your father's crew?

7 A. Yes.

8 Q. Do you know someone named Glen Bitet?

9 A. Glen Bitet.

10 Q. Was he also in the crew?

11 A. Yes, he was.

12 Q. Showing you what's in evidence as Government's Exhibit

13 2 KKK. Who's that

14 A. That's my brother.

15 Q. What is the position he obtained in the Gambino family?

16 A. He was an associate.

17 Q. Showing you what's in evidence as Government's Exhibit

18 2 L. Who's that

19 A. Robert Engel.

20 Q. What is the highest position he obtained in the Gambino
21 family?

22 A. Associate.

23 Q. Were you and Robert Engel close?

24 A. Very close.

25 Q. Did you commit crimes with him?

Ruggiano-direct/Norris

1 A. Yes, I did.

2 Q. Showing you what's in evidence as Government's Exhibit

3 2 M. Who is that

4 A. Sal Pecchio.

5 Q. Did he have a nickname?

6 A. Sally Batz.

7 Q. What does Batz mean?

8 A. Crazy.

9 Q. What language?

10 A. Italian.

11 Q. What is the highest position he attained in the Gambino
12 family?

13 A. Associate.

14 Q. Showing you what's in evidence as Government's Exhibit

15 2 FF, as in Frank. Who is that

16 A. Carl Amato.

17 Q. What is the highest position he attained in the Gambino
18 family?

19 A. Associate.

20 Q. Were you friends with him as well?

21 A. Yes.

22 Q. Showing you what's been marked for identification as
23 Government's Exhibit 2 XXX. Do you recognize that
24 photograph?

25 A. Yes, do.

Ruggiano-direct/Norris

1 Q. Who is it?

2 A. Glen Bitet.

3 MR. NORRIS: We offer it.

4 THE COURT: XXX. It is the only one of the series
5 you're now offering?

6 MR. NORRIS: Correct.

7 THE COURT: Admitted.

8 Q. What is the highest position Glen Bitet obtained in the
9 family?

10 A. Associate.

11 Q. Who were your closest friends in the 1970's?

12 A. Robert, Sal, Carl, my brother, Glen, Louie Perino (ph.),
13 Freddy Perino.

14 Q. Pretty much all the people you just identified?

15 A. Yes.

16 Q. Did you commit crimes with all of them?

17 A. Yes, I did.

18 Q. Every single one?

19 A. Yes, I did.

20 Q. Are there rules in organized crime?

21 A. Yes, there are.

22 Q. How did you learn about them?

23 A. From my father.

24 Q. Name some.

25 MS. SHARKEY: Objection.

Ruggiano-direct/Norris

1 THE COURT: I didn't hear that last remark.

2 MR. NORRIS: Name some.

3 THE COURT: You may.

4 A. Wise guys aren't supposed to hit each other, raise their
5 hands to each other, aren't supposed to fool around with
6 their wives, not supposed to sell drugs.

7 Q. Are those rules always followed?

8 A. No.

9 Q. Are there any rules with what ethnic background you have
10 to have to become a wise guy?

11 A. Yes.

12 Q. What?

13 A. You have to be Italian.

14 Q. Full Italian?

15 A. Used to be. Now half Italian, it is good enough.

16 Q. Are other rules changed over time as well?

17 A. Yeah.

18 Q. Are there any rules about physical appearance?

19 A. Yeah. There's unwritten rules.

20 Q. What is it?

21 A. You're not supposed to have any facial hair.

22 Q. You said it is an unwritten rule. Is that a rule in the
23 same way that not sleeping with another made member's wife is
24 a rule?

25 A. No.

Ruggiano-direct/Norris

1 Q. Is the no facial hair rule always followed?

2 A. No.

3 Q. Can you think of any examples when that rule wasn't
4 followed?

5 A. When wise guys were in prison.

6 Q. Did you ever see a wise guy in prison with facial hair?

7 A. Yes.

8 Q. Who?

9 A. Sally Dogs.

10 Q. Who is that?

11 A. He's a captain with the Genovese family.

12 Q. What is his full name?

13 A. Salvatore Lombardi.

14 Q. When were you in prison with him?

15 A. 1998 I was in Attica with him.

16 Q. Can you think of any other examples?

17 A. My father grew a moustache in prison, Tony Lee, JoJo, I
18 did, I grew a moustache in prison.

19 Q. Are all the people you just mentioned in good standing
20 with their respective organized crime families when they had
21 facial hair?

22 A. Yeah.

23 Q. What about the rule against drug dealing, is that rule
24 always followed?

25 A. No.

Ruggiano-direct/Norris

1 Q. Can you think of any examples of anyone in organized
2 crime who dealt drugs?

3 A. Me, my brother, Glen, Charlie, Angelo, Lenny, Nicky.

4 Q. Anyone else?

5 A. John Carneglia, Sally Quack, Angelo, Sal Pecchio. We
6 all sold drugs.

7 Q. You mentioned Charlie. Who's that?

8 A. Charlie (pointing) Carneglia.

9 Q. The defendant?

10 A. Yes.

11 Q. You mentioned Angelo. Who is that?

12 A. Angelo Quack, Angelo Ruggerio.

13 Q. Quack?

14 A. Yeah, that's what we used to call him.

15 Q. Why?

16 A. Because he used to walk like a duck.

17 Q. You also mentioned Sally Quack. Who is that?

18 A. That was Angelo's brother.

19 Q. Were any of the people you mentioned sent to prison for
20 dealing drugs?

21 A. I don't know.

22 Q. Was John Carneglia --?

23 A. John Carneglia is doing 50 years. Yeah, he was sent
24 away for drugs.

25 Q. What drugs did he deal?

Ruggiano-direct/Norris

1 A. He went to jail for selling heroin.

2 Q. Do you know if Gene Gotti sold drugs?

3 A. Yes, he sold drugs. He went to prison for selling
4 drugs.

5 Q. Do you know what Gene Gotti's and John Carneglia's
6 status was in the family at the time they were dealing drugs?

7 A. Gene was a captain and John was a soldier.

8 Q. Do you know if they were punished by the Gambino family
9 for dealing drugs?

10 A. Never.

11 Q. Who decides how the rules are enforced?

12 A. The boss.

13 Q. Who is the boss at the time all these people you just
14 listed were dealing drugs?

15 A. In the beginning Carl Gambino was the boss. Then Paul
16 Castellano became the boss.

17 Q. Paul Castellano?

18 A. Yes.

19 Q. After that?

20 A. John Gotti.

21 Q. Showing you what's in evidence as Government's Exhibit
22 2 MM. Who's that

23 A. Paul Castellano.

24 Q. What is the position he obtained in the Gambino family?

25 A. He was the boss.

Ruggiano-direct/Norris

1 Q. Showing you what's in evidence as Government's Exhibit

2 2 VV. Who is that

3 A. Carlo Gambino.

4 Q. What is the highest position he obtained?

5 A. Boss.

6 Q. Showing you what's in evidence as Government's Exhibit

7 2 XX-1. Who is that

8 A. Genie Gotti.

9 Q. Any relationship to John Gotti?

10 A. Brother.

11 Q. What is the highest position Gene Gotti attained in the
12 Gambino family?

13 A. Captain.

14 Q. Showing you what's in evidence as Government's Exhibit

15 2 NNN. Who's that

16 A. Angelo Quack Quack.

17 Q. Again what's his full name?

18 A. Angelo Ruggiero.

19 Q. What is the highest position he obtained in the family?

20 A. Captain.

21 Q. Showing you what's in evidence as Government's Exhibit

22 2C-2. Who's that?

23 A. Charlie.

24 Q. The defendant?

25 A. Yes.

Ruggiano-direct/Norris

1 Q. What is the highest position he obtained in the Gambino
2 family?

3 A. Soldier.

4 Q. Showing you what's in evidence as Government's Exhibit
5 2 LL. Who's that

6 A. John, Charlie's brother, Johnny Carneglia.

7 Q. What is the highest position John Carneglia obtained in
8 the Gambino family?

9 A. Soldier.

10 Q. In your experience are organized crime rules enforced
11 consistently?

12 A. No.

13 Q. In your experience are organized crime rules enforced
14 differently depending on who violates them?

15 A. Yeah.

16 Q. Do you know what it means to be put on the shelf?

17 A. Yes.

18 Q. What does it mean?

19 A. You're not supposed to be recognized as a wise guy,
20 nobody is supposed to do business with you, talk to you.

21 Q. Is it a temporary or permanent position?

22 A. Sometimes temporary and sometimes permanent.

23 Q. In all the years you know him did you ever hear the
24 defendant had been put on the shelf?

25 A. Never.

Ruggiano-direct/Norris

1 Q. Before you started cooperating did you hear of anyone
2 who had been put on the shelf?

3 A. Yeah.

4 Q. Who?

5 A. Vinny Gotti.

6 Q. Who is Vinny Gotti?

7 A. John Gotti's kid brother.

8 Q. What was his position in the Gambino family?

9 A. He was a soldier.

10 Q. How long have you known Vinny Gotti?

11 A. Since I was a teenager.

12 Q. Who told you he was put on the shelf?

13 A. Nunzi, Michael Napolitano, and Brother.

14 Q. What's Brother's real name?

15 A. Louie.

16 Q. What is his position?

17 A. He is a soldier.

18 Q. What is Michael Napolitano's position?

19 A. Soldier.

20 Q. When did they tell you Vinny Gotti had been put on the
21 shelf?

22 A. When I came out of prison in 2004.

23 Q. Showing you Government's Exhibit 2 X ZZ. Who is that?

24 A. Vinny Gotti.

25 Q. The highest position he attained was soldier?

Ruggiano-direct/Norris

1 A. Yes.

2 Q. Where were you when Michael Napolitano and Brother told
3 you that Vinny Gotti had been put on the shelf?

4 A. We were in Alberto's Restaurant on Metropolitan Avenue
5 having dinner.

6 Q. How did the subject come up?

7 A. I just got out of prison and they were telling me I got
8 proposed and they were telling me who got straightened out
9 when I was in prison, who became captains, and then they were
10 telling me that they were -- everybody was betting on how
11 long Vinny would last before he got put on the shelf after he
12 got straightened out. It was an ongoing joke.

13 Q. Why were they telling you generally about who had been
14 straightened out while you were in prison?

15 MS. SHARKEY: Objection.

16 THE COURT: I will allow it.

17 A. I got proposed. They were bringing me up to date on
18 everything so I would know who's who, what's what.

19 Q. Is it important in organized crime to know the status of
20 people in the family?

21 A. Sure.

22 Q. Did you find out that day in that conversation that
23 Vinny Gotti had been made?

24 A. No. I knew Vinny Gotti was made. I found out when I
25 was in prison.

Ruggiano-direct/Norris

1 Q. In that conversation did they tell you why he had been
2 shelved?

3 A. Yes, they did.

4 Q. Why?

5 A. Because he shot somebody without permission.

6 Q. Who did he shoot?

7 A. He shot some guy who owned a deli, Sapienza, in the
8 neighborhood.

9 Q. Where is the deli?

10 A. I think it was on Liberty Avenue at the time.

11 Q. Do you know the name of the owner of Sapienza's?

12 A. No. He bought the place when I was in prison.

13 Q. Did they tell you where they shot him?

14 A. In his car.

15 Q. Did he die?

16 A. No.

17 Q. Do you know if Vinny Gotti ever got taken off the shelf?

18 A. To my knowledge, no, I don't know.

19 Q. Let's turn to your criminal history.

20 You have engaged in a lot of criminal activity in your
21 life, haven't you?

22 A. Yes.

23 Q. You were a career criminal before you began cooperating?

24 A. Yes.

25 Q. How many times have you been arrested in your life?

Ruggiano-direct/Norris

1 A. 12, 13 times.

2 Q. You testified before that you served approximately 13
3 years in prison; is that right?

4 A. Yes.

5 Q. How many different times were you given a prison
6 sentence?

7 A. I was given a prison sentence four times. Two -- twice
8 at the same time.

9 Q. When were you sent to prison the first time?

10 A. March 1978.

11 Q. For what?

12 A. For burglary.

13 Q. When did you get out?

14 A. Got out September of 1980.

15 Q. And when were you in prison the next time?

16 A. July of 1991.

17 Q. For what?

18 A. For policy, for numbers, I was working in the number
19 office.

20 Q. Gambling?

21 A. Yeah.

22 Q. When did you get out?

23 A. October of '92.

24 Q. When were you in prison the next time?

25 A. November of '96.

Ruggiano-direct/Norris

1 Q. For what?

2 A. Originally went away for gambling, for sports betting.

3 Q. While you were in prison were you indicted again?

4 A. Yes, I was.

5 Q. When?

6 A. I was indicted December of the same year.

7 Q. 1996?

8 A. Yes.

9 Q. What were you charged with?

10 A. I was charged with a racketeering charge in Florida.

11 Q. What is your understanding of what racketeering is?

12 A. Ongoing criminal conspiracy, enterprise.

13 Q. What specifically were you charged with doing?

14 A. Extortion, loansharking.

15 Q. Was there another term for loansharking?

16 A. Shylocking.

17 Q. Were you sentenced on that case as well?

18 A. Yes, I was.

19 Q. When?

20 A. In January of '98.

21 Q. How long was your sentence?

22 A. I received 112-month sentence.

23 Q. When were you released?

24 A. August 31st, 2004.

25 Q. How old were you when you started committing crimes?

Ruggiano-direct/Norris

1 A. When I was about 14.

2 Q. What was the first type of crimes that you committed?

3 A. Selling pot, selling cigarettes. I went on to work the
4 race tracks.

5 Q. Did you go on to commit more significant crimes?

6 A. Yes.

7 Q. What were some of the more significant crimes you
8 committed?

9 A. I worked in number offices, I extorted people, I
10 murdered my brother-in-law.

11 Q. Credit card fraud?

12 A. Credit card fraud.

13 Q. Loansharking?

14 A. Loansharking.

15 Q. Drug dealing?

16 A. Drug dealing, marijuana, cocaine.

17 Q. Except for the last few years, have you held any
18 legitimate jobs for any length of time?

19 A. No.

20 Q. When is the first time you had a legitimate job in your
21 entire life?

22 A. When I was 50 years old.

23 THE COURT: Did you say 60 or 50?

24 THE WITNESS: 50, your Honor.

25 THE COURT: Five-0?

Ruggiano-direct/Norris

1 THE WITNESS: Yes.

2 THE COURT: Thank you.

3 Q. You testified you committed a murder of your
4 brother-in-law, correct?

5 A. Yes.

6 Q. Did you commit that murder alone or with other people?

7 A. With other people.

8 Q. Who?

9 A. Tone Lee, Mikey Gow, Freddy Hot, Skinny Dom.

10 Q. What was Freddy Hot's real name?

11 A. Fred DeCongilio.

12 Q. What was his position in the Gambino family?

13 A. At the time of the murder?

14 Q. Yes.

15 A. He was an associate.

16 Q. What did he later become?

17 A. Soldier.

18 Q. What about Skinny Dom, what is his real name?

19 A. Dominic Pizzonia.

20 Q. What position was he in the family at the time of the
21 murder?

22 A. He was associate.

23 Q. What position did he later obtained?

24 A. Captain.

25 Q. Whose crew were Tony Lee, Mikey Gow, Freddy Hot and

Ruggiano-direct/Norris

1 Skinny Dom in at the time you committed the murder?

2 A. They were in my father's and Tony Lee's crew.

3 Q. You killed your brother-in-law?

4 A. Yes, I did.

5 Q. Who is he?

6 A. Frank Boccio.

7 Q. Spell the last name.

8 A. I have no idea how to spell it.

9 Q. Who was Frank Boccio?

10 A. He was an associate of the Gambino family at the time
11 with us.

12 Q. Had he been previously associated with any other crime
13 families?

14 A. Yeah. He was like the wind. Luchese, Genovese and then
15 he went to Colombos for a little while.

16 Q. At the time you killed him, he was with the Gambinos?

17 A. He was with us, yeah.

18 Q. Did he have a nickname?

19 A. Yeah, Jiggy (ph.)

20 Q. GiGi?

21 A. Jiggy.

22 Q. Who was he close to?

23 A. Peter Zuccaro was his best friend.

24 Q. Did they commit crimes together?

25 A. To my knowledge, yeah.

Ruggiano-direct/Norris

1 Q. What type of crimes?

2 A. Armored truck robberies, sold drugs.

3 Q. Do you know if Jiggy ever went to prison for armored car
4 robberies?

5 A. Yes.

6 Q. Same ones he committed with Peter Zuccaro?

7 A. Yes. They were codefendants.

8 Q. Why did you and Tony Lee and Mikey Gow and Skinny Dom
9 and Freddy Hot kill Jiggy?

10 A. Because he beat my mother up.

11 Q. Explain.

12 A. My sister had a baby. My sister was pregnant. She had
13 a baby shower and my mother paid for the baby shower and he
14 ran up \$800 tab at the bar and stuck my mother with it.
15 That night when they went home my mother confronted him about
16 the tab and he started choking her.

17 Q. What happened?

18 A. My first wife, Allison, and my son lived upstairs and my
19 -- she heard commotion. She ran downstairs and saw Frankie
20 choking my mother on the floor and jumped on his back,
21 starting scratching his face, pulling his hair. He let go of
22 my mother, pushed Allison off his back and ran out of the
23 house.

24 Q. When did that take place?

25 A. February 1988.

Ruggiano-direct/Norris

1 Q. Where were you at the time?

2 A. I was in a treatment facility in Vermont.

3 Q. When did you kill your brother-in-law?

4 A. In June of '88.

5 Q. Four months later?

6 A. Yes.

7 Q. Where did you kill him?

8 A. In the back room of Cafe Liberty.

9 Q. Where is that?

10 A. On Liberty Avenue, Ozone Park.

11 Q. Is Cafe Liberty a social club?

12 A. Yes.

13 Q. Whose club?

14 A. My father's and Tony Lee's club. Later on it became
15 Skinny Dom's club.

16 Q. Where was your father at the time that you and others
17 killed your brother-in-law?

18 A. He was in prison.

19 Q. Did he have any involvement in the murder conspiracy?

20 A. Yes, he did.

21 Q. What was that?

22 A. When we decided to kill my brother-in-law Tony Lee made
23 me drive up to prison to see my father and make sure it was
24 okay with him. I went up there and told him what was going
25 on. He told us -- he gave us the go ahead.

Ruggiano-direct/Norris

1 Q. Did you get any further permission after that?

2 A. Yes, we did.

3 Q. All the way to the top?

4 A. Yes.

5 Q. Who approved the murder?

6 A. Eventually John Gotti.

7 Q. What was your role in the murder?

8 A. I had told my brother-in-law -- he was a thief so I told
9 him Tony Lee had a score for him and I had to bring him to
10 the club, Tony wanted to tell him about the score he had. I
11 picked him up at his house and he thought he was coming to
12 hear about a score and I drove him to -- I took him to the
13 club.

14 Q. You lied to him?

15 A. Yes.

16 Q. What's a score?

17 A. A robbery.

18 Q. Once you got him to the club, what happened?

19 A. When I pulled up to the club Mikey Gow was sitting in a
20 chair outside the door. We got out, said hello to Mikey. Me
21 and Frankie walked into the club. Skinny Dom, Tony Ha (ph.)
22 and Freddy were eating bagels at the table. We said hello
23 and everything and started talking and Tony Lee had a garden
24 in his yard, tomato plants and stuff and zucchini plants, and
25 he told Frankie come in the yard, I'll get you some tomatoes.

Ruggiano-direct/Norris

1 He started picking tomatoes. Tony Lee put them in a paper
2 bag and then we walked back into the back room. As we were
3 walking in the back room Tony Lee just grabbed Frankie by the
4 hand and said wait here, I want to talk to you. I walked out
5 into the front room. When I walked out in the front room
6 Skinny Dom took a gun out from under the counter and went in
7 the back room and shot Frankie and killed him.

8 Q. What did you do with the body?

9 A. They took it and threw it off a boat in the Atlantic
10 Ocean.

11 Q. Were you prosecuted in your participation in that
12 murder?

13 A. Yes. I pleaded guilty to it.

14 Q. Do you know someone named Frankie Geech (ph.)?

15 A. Yes, I do.

16 Q. Were you involved in a conspiracy to murder him?

17 A. Yes, I was.

18 Q. Is Geech a nickname?

19 A. Yes.

20 Q. Do you know his last name?

21 A. I don't remember it.

22 Q. You mentioned a number of nicknames. Is it common for
23 nicknames to be used in organized crime?

24 A. Yes.

25 Q. Is it also common to know someone's nickname without

Ruggiano-direct/Norris

1 knowing their real last name?

2 A. Yes.

3 Q. Even though you knew them for a long while?

4 A. Sure.

5 Q. Who was Frankie Geech?

6 A. He was a shylock, associate of the Gambino family.

7 Q. Whose crew?

8 A. My father's.

9 Q. What did he do that led to the conspiracy to murder?

10 A. He shot two people in a bar on Jamaica Avenue.

11 Q. Did he do it alone or with other people?

12 A. With two other guys.

13 Q. When did he do it?

14 A. In the early eighties.

15 Q. Were there any witnesses to the shooting?

16 A. Yes, there was.

17 Q. Who?

18 A. Pete Gotti's daughter.

19 Q. Who was Pete Gotti at the time?

20 A. Associate in the Gambino family.

21 Q. Any relation to John Gotti?

22 A. His brother.

23 Q. What did Pete Gotti later become?

24 A. A boss.

25 Q. Where is he today?

Ruggiano-direct/Norris

1 A. He's in prison.

2 Q. What did Peter Gotti's daughter do after she witnessed
3 the shooting?

4 A. She made a statement to the cops.

5 Q. Is that significant to people in the Gambino crime
6 family?

7 A. Sure was.

8 Q. Why?

9 A. Because wise guys families aren't supposed to do stuff
10 like that.

11 Q. Do what?

12 A. Talk to law enforcement, identify people, make
13 statements, cooperate.

14 Q. After she did, what was decided would be done to Frankie
15 Geech?

16 A. They were going -- he was to be killed.

17 Q. Just because Pete's daughter witnessed the murder and
18 talked to the cops about it?

19 A. Because he knew Pete's -- he was in the bar and he left
20 and came back and killed the two people and he knew Pete's
21 daughter was in there from earlier in the evening and plus
22 they felt what he did was not very nice because the people --
23 he killed the bartender, you know, just like -- they thought
24 it was like just a disgusting thing he did, but I think in
25 reality it was just because Pete's daughter was there and

Ruggiano-direct/Norris

1 they wanted to cover their tracks. The Gottis, they were
2 like Ugh, they were mortified she gave a statement.

3 Q. Not very nice?

4 A. Yeah. They were really upset with it.

5 Q. When was the decision made to kill him?

6 A. A few days after the murder.

7 Q. Where was the decision made?

8 A. In a bar that I stood in, the Polish National Hall.

9 Q. Where was that?

10 A. 97th Avenue and 93rd Street.

11 Q. Were you there at the time?

12 A. Yes, I was.

13 Q. Who was involved in the decision to kill Frankie Geech?

14 A. My father, Tony Lee, John Gotti, Pete, Genie Gotti,
15 Johnny Carneglia, Angelo Quack Quack, Angelo Ruggerio. They
16 were all in the bar that day.

17 Q. You mentioned Frankie Geech was an associate in your
18 father's crew, correct?

19 A. Yes.

20 Q. Did you know him at the time?

21 A. Yes, I did.

22 Q. Did you have any business dealings with him?

23 A. Yes, we did.

24 Q. What kind?

25 A. He was shylocking money for us. We were partners on a

Ruggiano-direct/Norris

1 shylock business.

2 Q. Who's us?

3 A. Me and my brother.

4 Q. Albert?

5 A. Yes.

6 Q. Can you explain to the jury what it means to engage in
7 loansharking or shylock?

8 A. We were loaning money out for four, five percentage
9 points a week.

10 Q. How do you ensure someone pays back when you loan out
11 money at four, five percent points?

12 A. Violence.

13 Q. What was the plan to murder Frankie Geech?

14 A. Well, me and my brother had given -- we had gone
15 partners, \$10,000 each, so we put up 20,000. He was pushing
16 money out on the street, Frankie, so we got in touch with his
17 mother, his family, and told them to have him meet me by the
18 Lindenwood Diner, I needed the money back and I wanted to
19 know who the customers were so we could collect the money, me
20 and my brother, and I was to meet him in front of Lindenwood
21 Diner, get in front with him and drive him around back. It
22 was dirt roads, it was called The Old Mill. I was supposed
23 to bring him in the back and Johnny Carneglia was going to be
24 back there with Genie and they were going to kill him in the
25 back.

Ruggiano-direct/Norris

1 Q. John Carneglia, the defendant's brother?

2 A. Yes.

3 Q. Gene Gotti, John Gotti's brother?

4 A. Yes.

5 Q. What were their positions in the family at the time?

6 A. They were soldiers.

7 Q. They were under John Gotti at the time?

8 A. Yes.

9 Q. Did you set up a meeting with Frankie Geech?

10 A. Yes, I did.

11 Q. Did you set up the meeting with your brother-in-law the
12 same way?

13 A. I went through Frankie's family.

14 Q. Tricked him?

15 A. Yes.

16 Q. You lied to him?

17 A. Yes.

18 Q. Did he show up at the Lindenwood Diner?

19 A. No, he didn't.

20 Q. Who did?

21 A. His uncle.

22 Q. Who is his uncle?

23 A. His uncle was a wise guy from The Bronx.

24 Q. What happened when he showed up?

25 A. I was a little surprised to see him and I never really

Ruggiano-direct/Norris

1 met him. He looked like Frankie Geech. I knew it was one of
2 his relatives. I got in the car with him. He looked at me.
3 I said where's your nephew? He said you think I'm going to
4 let you kill my nephew. I said I don't know what you're
5 talking about. I said we're not going to kill your nephew.
6 He said right. What do you want with my nephew? I said I
7 just want my 10,000 back. He said I'll send you the 10,000,
8 tell your father you don't have to worry about my nephew no
9 more, he'll take care of him. I got out of the car. He left
10 and that was -- that was the end of it.

11 Q. Did you get the 10,000?

12 A. Later on that week my father got it, sent it down to my
13 father.

14 Q. Was Frankie Geech ever killed?

15 A. No.

16 Q. Were you ever compensated for your participation in that
17 murder conspiracy?

18 A. Never.

19 Q. When did you first commit loansharking?

20 A. When I was about 19 or 20.

21 Q. What did you do at that time to do it?

22 A. I was pushing money for JoJo.

23 Q. What does it mean to push money?

24 A. He was shylocking me for like a point, two points and I
25 was putting in the street for four, five points.

Ruggiano-direct/Norris

1 Q. JoJo is JoJo Corozzo?

2 A. Yes.

3 Q. What was his status back when you were 19?

4 A. He was an associate.

5 Q. So, the arrangement was you had to pay him a point,
6 correct?

7 A. On the money I took him off, right.

8 Q. A point is what?

9 A. Percentage point.

10 Q. How often do you have to pay it?

11 A. Every week.

12 Q. In turn, what did you do with the money?

13 A. I gave it to customers -- people in the street.

14 Q. And you charged him how much interest?

15 A. Some people four points, some people five points, some
16 people three points.

17 Q. Did people pay you back?

18 A. Yeah, most of the time.

19 Q. Did you ever use force or violence?

20 A. Once.

21 Q. What happened?

22 A. Guy wouldn't pay us back. He was late for like three --
23 every week we went there and he gave another story and
24 another story.

25 Q. What did you do?

Ruggiano-direct/Norris

1 A. I pushed him, I grabbed him one day and I shook him and
2 threw him up against the car.

3 Q. What did he do?

4 A. He got scared.

5 Q. Did he pay you?

6 A. Couple days later he paid me.

7 Q. In the 1990s= were you also involved in a loan shark
8 conspiracy?

9 A. Yes.

10 Q. With who?

11 A. With Nicky Corozzo.

12 Q. JoJo Corozzo's brother?

13 A. Yes.

14 Q. Who else?

15 A. Lenny DiMaria, Sal Pecchio, Robert Engle, Sid
16 Always (ph.), Dave Always, Ralphie the Fly

17 Q. Going back to the seventies -- to the nineties you're
18 committing crimes with all the same people, all of the same
19 characters; is that right?

20 A. Oh, yeah.

21 Q. Did you ever get prosecuted for loansharking in the
22 1990s?

23 A. Yes, I did.

24 Q. Along with other crimes?

25 A. Yes, I did.

Ruggiano-direct/Norris

1 Q. Did you plead guilty?

2 A. Yes, I did.

3 Q. Did you serve time in prison?

4 A. Yes.

5 Q. How much?

6 A. Eight years.

7 Q. You committed burglaries too; is that right?

8 A. Yes, I did.

9 Q. What did you burglarize?

10 A. Liquor warehouse.

11 Q. Anything else?

12 A. Anything else did I burglarize?

13 Q. Yeah.

14 A. Besides a liquor warehouse? Oh, yeah, a bra factory on
15 Rockaway Boulevard.

16 Q. When did you burglarize the liquor warehouse?

17 A. In 1975 I think I got arrested for it or '76.

18 Q. You got arrested?

19 A. Yes.

20 Q. Did you serve time in jail for that?

21 A. Yes, I did.

22 Q. How long?

23 A. Two-and-a-half years.

24 Q. You also stole cars?

25 A. Yes, I did.

Ruggiano-direct/Norris

1 Q. When did you first start stealing cars?

2 A. In the mid eighties.

3 Q. Did you ever get arrested for it?

4 A. Yes, I did.

5 Q. Did you plead guilty?

6 A. Yes, I did.

7 Q. Were you ever involved in stealing cars at a later point
8 in your life?

9 A. Yes, I was.

10 Q. When?

11 A. Excuse me.

12 Q. When?

13 A. '89, '90.

14 Q. Who was involved then?

15 A. Me, Frankie Romano and Nicky Corozzo.

16 Q. He was a captain at that point?

17 A. Yes.

18 Q. How many cars did you steal over the course of your
19 lifetime with Nicky Corozzo?

20 A. About 150 cars.

21 Q. Were you ever prosecuted for those crimes?

22 A. No.

23 Q. You engaged in credit card fraud, too, is that right?

24 A. Yes.

25 Q. When did you first commit credit card fraud?

Ruggiano-direct/Norris

1 A. The mid eighties.

2 Q. Who with?

3 A. Johnny Carneglia.

4 Q. Defendant's brother?

5 A. Yes.

6 Q. Explain what happened.

7 A. I saw him one day and he gave me a couple dollars to
8 send to my father for his commissary. He said how am I
9 doing? I said not too good. He asked me to do something
10 with credit cards. I said I would look into it. I spoke to
11 my cousin Andrea's husband Frankie Romano. He had a video
12 store. He said he could do something with credit cards. I
13 spoke to Glen Bitet, guy in Manhattan, I went back to Johnny
14 and told him I could do something with the credit cards and
15 he started selling me them for \$400 apiece.

16 Q. What did you do with the credit cards?

17 A. Ran some through Frankie Romano's name machine.

18 Q. To do what?

19 A. Get money for purchases and I had a guy in the clothing
20 store. I was going there and he was running it through for
21 like a couple thousands dollars worth of clothes. He would
22 give me half of the money in cash. I went to an electronics
23 store and bought Glen a whole bunch of electronics.

24 Q. Glen is Glen Bitet?

25 A. Yes.

Ruggiano-direct/Norris

1 Q. Your associate?

2 A. Yes.

3 Q. How did he pay you?

4 A. Cocaine and money.

5 Q. Did you commit credit card fraud later on as well?

6 A. Yes, I did.

7 Q. Same way?

8 A. No.

9 Q. What changed?

10 A. I was doing it on my own then. I had my own group of
11 guys, we were doing it.

12 Q. What group of guys?

13 A. Me, Frankie Lapicola, a kid Sal Nagara (ph.), another
14 guy Plastic Pete.

15 Q. They are all associates of yours?

16 A. Yes.

17 Q. And what did you do?

18 A. At first we used to go out in parks, in Long Island
19 parks, Eisenhower Park, and watch people going jogging or
20 play golf, tennis and we would watch them. They would leave
21 the credit cards in their cars and we had a tool and we would
22 go in the car and take the credit card out of their wallet,
23 pocketbook and go to the stores and bang out a credit card.

24 Q. What does that mean?

25 A. Purchase stuff in the store.

Ruggiano-direct/Norris

1 Q. When did you do this?

2 A. The first time I started doing that when I got clean in
3 '88, '89. '89 I started doing that.

4 Q. After you got clean?

5 A. Yes.

6 Q. From drugs?

7 A. Yes.

8 Q. Can you estimate how much money you stole committing
9 credit card fraud over the years?

10 A. About a quarter of a million dollars.

11 Q. Were you ever prosecuted for it?

12 A. Never.

13 Q. Did you commit extortion?

14 A. Yes, I did.

15 Q. Who did you extort?

16 A. Stevie Lichman.

17 Q. Who is that?

18 A. He was an associate of ours.

19 Q. What did you extort from him?

20 A. Control of his vending company.

21 Q. What type of vending company?

22 A. He had gambling machines and pin balls and jukeboxes and
23 pool tables.

24 Q. What type of gambling machines?

25 A. Joker Poker, Eight Lines, slot machines.

Ruggiano-direct/Norris

1 Q. What is a Joker Poker machine?

2 A. It is a poker machine. You pay poker, it is a video
3 game.

4 Q. It pays out?

5 A. Yeah.

6 Q. What is Eight Line?

7 A. It is a computerized slot machine. It has eight lines,
8 eight ways to win.

9 Q. When did you extort Stevie Lichman?

10 A. I extorted Stevie Lichman, I believe it was 1994. Yeah,
11 1994. Tony Lee was dead. He died in '93, so it was in '94.

12 Q. After you stole the business from him, did you begin
13 running it yourself?

14 A. Yes, I did.

15 Q. Where did you -- withdrawn.

16 Where were the Joker Poker machines, Eight Lines machine
17 and other machines you had located?

18 A. Most of them in Brooklyn. I had a few locations in
19 Queens.

20 Q. Was it profitable?

21 A. Very profitable.

22 Q. Were the machines illegal?

23 A. The Joker Poker and Eight Lines and slot machines were
24 illegal. The other ones weren't.

25 Q. Did you ultimately sell the business?

Ruggiano-direct/Norris

1 A. Yes, I did.

2 Q. When?

3 A. When I got out of prison in 2004.

4 Q. Had the business been in continuous operation while you
5 were in prison?

6 A. Yeah.

7 Q. Were you ever prosecuted for that?

8 A. Never.

9 Q. Did you participate in illegal gambling at race tracks?

10 A. Yes, I did.

11 Q. When?

12 A. In the 1970's.

13 Q. Briefly explain to the jury what you did.

14 A. I bought twin double tickets.

15 Q. What's that?

16 A. It was the -- you bet the first half. It was two races
17 and the first race you bet like one, two, and if one, two
18 came in you would exchange it for the next race and bet
19 three, four, and if three, four came in, you would win the
20 twin double. Some tracks called them Twin Doubles and some
21 called them Big Es.

22 Q. Did you do it alone or with a group of guys?

23 A. Group of guys.

24 Q. How did you make money?

25 A. I got paid. They would tell me to pay \$40 for the

Ruggiano-direct/Norris

1 ticket and I would try to buy tickets for \$30. If they told
2 me to pay \$100 for the ticket, I would try to buy them for
3 \$90.

4 Q. Is there an elaborate system set up to engage in this?

5 A. Yes.

6 Q. Who set it up?

7 A. My father had fellows with him from Brooklyn, Cutie and
8 Rabbi. They invented some kind of system. They were
9 mathematical guys. One guy was a school teacher, professor,
10 and he came up with a scheme and they used to punch the
11 tickets.

12 Q. Did you go to race tracks in New York City?

13 A. No.

14 Q. Where did you go to race tracks?

15 A. In New Jersey, Delaware, Boston, Maryland.

16 Q. Were you ever arrested for doing it?

17 A. No.

18 Q. Did you also participate in illegal gambling involving
19 numbers?

20 A. Yes.

21 Q. When did you start doing that?

22 A. In the 1970s.

23 Q. After you were working at the race tracks?

24 A. Yes.

25 Q. Do numbers operate somewhat like the lottery does today?

Ruggiano-direct/Norris

1 A. Yes, they do.

2 Q. What were the numbers that were bet on?

3 A. Brooklyn number.

4 Q. What is the Brooklyn number?

5 A. The handle of the race track. All the money that's
6 handled throughout the nine races at Aqueduct or Belmont.

7 Q. All the money taken is called a handle?

8 A. Yeah, track handle.

9 Q. Where is the number published?

10 A. New York Daily News at the bottom of the racing chart.

11 Q. Where do people who place -- who bet on the Brooklyn
12 number place those bets?

13 A. Numbers spots with number runners. In bars,
14 restaurants. We had numbers spots all over the place. They
15 had --.

16 Q. What were the odds back then when you won?

17 A. 500 to one.

18 Q. What was your role in the numbers operation?

19 A. At that point I was a clerk.

20 Q. Were you ever arrested for your participation in that
21 operation?

22 A. Yes, I was.

23 Q. Did you plead guilty?

24 A. Yes, I did.

25 Q. Did you serve time in prison?

Ruggiano-direct/Norris

1 A. No.

2 Q. Did you get any sentence at all?

3 A. I paid a fine. I think I got a \$1,500 fine.

4 Q. Did you later on go on to participate in another numbers
5 operation?

6 A. Yes, I did.

7 Q. When?

8 A. In the mid eighties.

9 Q. Was it a different operation?

10 A. Yes.

11 Q. Who ran this one?

12 A. Big Tommy DeSousa.

13 Q. Tommy DeSousa?

14 A. Yeah.

15 Q. What was he?

16 A. He was an associate of my father's and Tony Lee's.

17 Q. He was in their crew?

18 A. Yes.

19 Q. Who else worked in their operation?

20 A. Me, Carl Amato, Tommy Flash, Freddy Hot, this kid
21 Gregory.

22 Q. You said Carl Amato. This was a friend of yours who was
23 in your father's crew with you?

24 A. Yes.

25 Q. You knew him since the 1970's?

Ruggiano-direct/Norris

1 A. Yes.

2 Q. Where was that operation located?

3 A. Jamaica, Queens.

4 Q. What were the numbers bet on in Big Tommy's operation?

5 A. New York number and the Brooklyn number.

6 Q. You told the jury about the Brooklyn number. What is
7 the New York number?

8 A. A number that came out every three races, number would
9 come out and it would be called single action or bleeders.

10 It was two numbers.

11 Q. Single action --?

12 A. It was the old way. It was the original way how numbers
13 originally started back in the day. It is called the old
14 way.

15 Q. What was your role in that operation?

16 A. At first I was a clerk in the office and then I went out
17 into the street later on.

18 Q. What did you do out in the street?

19 A. Collected money from the numbers spots, straightened out
20 problems, took care of the runners.

21 Q. What is a runner?

22 A. A runner is a guy that put in the numbers with us.

23 Q. Did you ever get arrested for your role in Big Tommy's
24 gambling operation?

25 A. Yes, I did.

Ruggiano-direct/Norris

1 Q. How many times?

2 A. Twice.

3 Q. When was the first time?

4 A. In December of 1994.

5 Q. When was the second time?

6 A. In March of '95 -- no, excuse me, I have my dates messed
7 up. I got arrested so many times. I got arrested for Big
8 Tommy's operation in '89 and then I got rearrested in '90.

9 Q. Did you plead guilty?

10 A. Yes, I did.

11 Q. Did you get sentenced to time in jail?

12 A. Yes, I did.

13 Q. How long did you serve?

14 A. 16 months.

15 Q. That was on the second arrest?

16 A. Well, I got a year for the first arrest running
17 concurrent with one of the third to four for the second
18 arrest.

19 Q. After you got out of jail that time, did you participate
20 in bookmaking?

21 A. Yes, I did.

22 Q. What is bookmaking?

23 A. We were taking bets on sports, baseball, football,
24 basketball.

25 Q. Is that illegal?

Ruggiano-direct/Norris

1 A. Yes.

2 Q. When did you do that?

3 A. I did that in the nineties, mid nineties.

4 Q. Who ran that operation?

5 A. Tommy Ferrari -- I mean Ronny Ferrari.

6 Q. Who was Ronny Ferrari?

7 A. Associate of my father's and Tommy Lee's.

8 Q. What was his nickname?

9 A. Ronny Cigars, Fat Ron.

10 Q. What was your role in Fat Ronny's operation?

11 A. I had a half sheet, was a runner.

12 Q. What is a half sheet?

13 A. Whatever my customers lost I got 50 percent of.

14 Q. Your customers lost, you gained?

15 A. Yup.

16 Q. What happens if your customers won?

17 A. I go in the red for the whole figure and have to make it
18 up. If Ronny had to give them a thousand dollars, I would go
19 in the red for a thousand dollars. If the next week they
20 lost \$1,000, I would come out of the red for 500 and I had to
21 make up the difference.

22 Q. Is it fair to say you shared in the upside and were
23 responsible for the downside?

24 A. Yes.

25 Q. How many customers did you have?

Ruggiano-direct/Norris

1 A. Four or five customers.

2 Q. Were you ever arrested and prosecuted for your
3 involvement in bookmaking?

4 A. Yes, I was.

5 Q. Where did you get arrested?

6 A. In my house.

7 Q. Where were --?

8 A. Queens County.

9 Q. You were prosecuted in Queens?

10 A. Yes.

11 Q. By the District Attorney's office?

12 A. Yes.

13 Q. Did you plead guilty?

14 A. Yes, I did.

15 Q. Were you sentenced to time in prison?

16 A. Yes, I was.

17 Q. How long?

18 A. Two to four.

19 Q. Two to four years?

20 A. Yes.

21 Q. Were you ever involved in jury tampering?

22 A. Yes, I was.

23 Q. Who was on trial?

24 A. My father.

25 Q. When?

Ruggiano-direct/Norris

1 A. In the 1980s.

2 Q. Where?

3 A. In Broward County, Florida.

4 Q. How many trials did your father have there?

5 A. Three trials.

6 Q. Which one was this?

7 A. Second trial.

8 Q. What happened while your father was on trial for the
9 second time?

10 A. This fellow Billy Martino in Miami came to me and told
11 me his neighbor was just picked for my father's jury and the
12 guy was willing to do the right thing. I told him to go back
13 to the juror and see what he wanted. I figured the guy
14 wanted money. He went back to the juror and the next day he
15 came to me and he said that the guy don't want any money,
16 he'll do the right thing, but I want 25,000 to put it
17 together.

18 Q. What does "do the right thing" mean?

19 A. Come in with a not guilty verdict. So --.

20 Q. Let me stop you there. What did you do when Billy
21 Martino told you he wanted \$25,000?

22 A. I told him I would get in touch with Tony Lee. I didn't
23 have the 25,000. I had to get it from New York.

24 Q. What did you do?

25 A. I went to a pay phone and told Tony Lee call me back on

Ruggiano-direct/Norris

1 a pay phone. He called me back with another pay phone. I
2 told him what was going on with Billy Martino and he told me
3 to fly up to New York for the money. I flew to New York, he
4 gave me the 25,000 and I flew back to Miami, did it all in
5 one day.

6 Q. You gave it all to Billy Martino?

7 A. I gave him twenty.

8 Q. What happened to the other five?

9 A. Went to myself.

10 Q. What was the outcome of the trial?

11 A. 11 guilty, one not guilty.

12 Q. The third trial your father get convicted?

13 A. Yes, he did.

14 Q. Was he sentenced to prison?

15 A. Yes, he was.

16 Q. How long?

17 A. 40 years.

18 Q. You mentioned rehab a couple of times. In addition to
19 all the crimes you've just told the jury about, did you also
20 have a long history of drug abuse?

21 A. Yes, I did.

22 Q. When did you first start using drugs?

23 A. When I was around 13 or 14.

24 Q. When did you stop using drugs?

25 A. When I was 35.

1600

Ruggiano-direct/Norris

1 Q. What drugs did you use during your lifetime?

2 A. Well, when I first started marijuana. I used to smoke
3 pot, sniff glue, drink beer, I took LSD, speed, heroin,
4 crack, cocaine, barbiturates, I snorted heroin a few times.

5 Q. Pretty much everything?

6 A. Pretty much.

7 Q. How did you ingest cocaine?

8 A. I either snorted it or smoked it.

9 Q. You also used crack?

10 A. I smoked crack about 20 times. Crack hit the street at
11 the end of my active addiction. I free based a lot. It
12 wasn't called crack yet. Crack was different.

13 Q. What drugs did you become addicted to?

14 A. Cocaine, marijuana.

15 Q. At its worst, how often were you using cocaine?

16 A. I used to go on runs. It was like I used to go on four,
17 five, six to eight runs without stopping, then I would stop
18 for three days, start again. In the beginning I was like a
19 weekend warrior. I would do it two, three times a week and
20 then when I started getting really bad I would go on runs,
21 snort cocaine for a few days. If I ran out of money and
22 couldn't go on no more and I would pass out and start again
23 two, three days later.

24 Q. During what time period was it when you were addicted to
25 cocaine?

Ruggiano-direct/Norris

1 A. I would say from like 29 years old until my early 30s.

2 Q. What years?

3 A. What years? When I got out of prison. 80, 81, 82, 83.

4 Q. At its worst --?

5 A. Then after my son was born in 83, that's when it really
6 took off and I started to go on all crazy runs, after '83,
7 '84.

8 Q. At its worst how often were you using marijuana?

9 A. Every day.

10 Q. How much?

11 A. Three, four joints a day.

12 Q. During what time period?

13 A. I smoked pot my whole life.

14 Q. Till your mid thirties?

15 A. Excuse me.

16 Q. Until your mid thirties?

17 A. Until I got clean, yeah.

18 Q. Even in jail?

19 A. Yeah.

20 Q. While you were addicted did you steal to get money for
21 drugs?

22 A. Yes, I did.

23 Q. Who did you steal from?

24 A. I stole from my family, I stole from drug dealers, my
25 friends.

Ruggiano-direct/Norris

1 Q. Tony Lee?

2 A. Yes. I stole 5,000 from the juror.

3 Q. 5,000 that you didn't give to Billy Martino, you kept
4 and bought drugs?

5 A. Yes.

6 Q. You told the jury earlier about someone named Glen
7 Bitet?

8 A. Yes.

9 Q. It was someone you committed credit card fraud with; is
10 that right?

11 A. Yes.

12 Q. Did he ever ask you to rob someone in exchange for
13 drugs?

14 A. Yes, he did.

15 Q. Who?

16 A. I was in his house one night getting a package and there
17 was a couple there. It was in the winter. There was a guy
18 and girl there. The woman had on a long mink coat and he
19 told me if I got the mink coat off the woman he would take
20 care of me. He wanted to give the mink coat to his wife.

21 Q. You said "package," what's that?

22 A. Package of cocaine.

23 Q. Who was his wife?

24 A. Lucille.

25 Q. Were you involved in their wedding?

Ruggiano-direct/Norris

1 A. Yes.

2 Q. How?

3 A. I gave Glen his bachelor party and I was a guest at
4 their wedding.

5 Q. You knew him for a long time?

6 A. Oh, yeah.

7 Q. When he asked you to rob the couple and get the fur
8 coat, did you have a weapon?

9 A. No, not at that point.

10 Q. Did you get one?

11 A. Yes, I did.

12 Q. From who?

13 A. From him, from Glen.

14 Q. What did he give you?

15 A. He went in the kitchen and snuck me -- he handed me a
16 steak knife.

17 Q. Where did you put it?

18 A. I put it like in my pants over here (indicating), in my
19 jacket.

20 Q. Your waistband?

21 A. Yeah.

22 Q. Did you then go rob the couple?

23 A. The couple walked out a little ahead of me. I followed
24 them out of the house. I told the guys -- I asked if you
25 could do me a favor and drive me to my car. I told them my

Ruggiano-direct/Norris

1 car was parked a few blocks away. He said yeah. I got in
2 the back seat. We drove a few blocks away. I made like one
3 of the cars parked in the street was my car. I said pull
4 over behind my car, that's my car. When he pulled over I put
5 the knife in his throat and grabbed him by the hair and I
6 told the girl to take off the mink coat and throw it in the
7 back seat. She took off the coat and threw it in the back
8 seat. I took the coat and I put it underneath my arm like
9 this (indicating) with the knife and as I was -- I opened up
10 the door and I took the coat and as I was getting out of the
11 car, the guy had gold chains on his neck, I grabbed the gold
12 chains and ripped them off his neck and got out of the car
13 and I took off.

14 Q. What did you do with the coat and the gold chain?

15 A. Went back to Glen's house.

16 Q. Did you give it to him?

17 A. Yes.

18 Q. What did he give you?

19 A. He gave me a couple hundred dollars and a package of
20 cocaine.

21 Q. In addition to committing robbery to get drugs, did you
22 also lie to get money for drugs?

23 A. Sure.

24 Q. While you were addicted, how much of your money would
25 you estimate you spent on drugs?

Ruggiano-direct/Norris

1 A. All of my money.

2 Q. All of it?

3 A. All of my money.

4 Q. Were you married at the time?

5 A. Yes.

6 Q. Did your wife have an income?

7 A. Yes.

8 Q. Was she also on welfare?

9 A. Yes.

10 Q. At times did you cheat on your wife with other women?

11 A. Yes.

12 Q. Did you sleep with prostitutes?

13 A. Yes.

14 Q. Did that and the drugs affect your marriage?

15 A. Yes.

16 Q. Did the drugs also affect your health?

17 A. Yes.

18 Q. What did they do to your weight?

19 A. When I went into the treatment facility I was 35 years
20 old and I weighed 130 pounds.

21 Q. How much do you weigh now?

22 A. About 205.

23 Q. While you were addicted to drugs, how would you describe
24 your life?

25 A. It was insane.

Ruggiano-direct/Norris

1 Q. Were you also involved in selling drugs?

2 A. Periodically.

3 Q. When?

4 A. When I was a teenager I used to sell a little pot and a
5 little coke -- when I started doing coke when I was 19 or 20,
6 I stole coke once in awhile. My brother got into the pot
7 business and I was helping him out.

8 Q. Did you also sell pills?

9 A. Pills, I sold barbiturates, yes, I used to get them from
10 the drug store.

11 Q. Starting with marijuana, what was the most you sold at
12 one time?

13 A. 40 pound bail.

14 Q. What about cocaine?

15 A. The most was about a quarter of a key.

16 Q. A key is what?

17 A. Two point something ounces in cocaine. 2.2 pounds or
18 something.

19 Q. Kilogram?

20 A. Yeah.

21 Q. Pills, what was the most you sold at one time?

22 A. I used to sell them by the thousands. I used to sell a
23 thousand at a time.

24 Q. Did you also help your brother sell drugs?

25 A. Yes.

Ruggiano-direct/Norris

1 Q. What drugs did he sell?

2 A. Marijuana.

3 Q. When?

4 A. In the seventies and into the eighties.

5 Q. What was your involvement?

6 A. I used to help him out, go with him to buy it. Help him
7 load it, bag it, watched his back.

8 Q. Were you ever prosecuted or arrested for using or
9 selling drugs?

10 A. I was arrested once for drugs, for using drugs.

11 Q. For possession?

12 A. Yes.

13 Q. When?

14 A. Like 1972 or '73.

15 Q. And the next 16 years until you got clean?

16 A. Never got arrested again for it.

17 THE COURT: Can you establish the weight of a bail,
18 approximately, please?

19 MR. NORRIS: Thanks, Judge.

20 Q. Can you tell the jury?

21 A. What we bought was 40 pounds. It was a 40 pound bail.
22 It was wrapped up in wire and weighed 40 pounds. It was like
23 a bail of hay.

24 Q. When you were arrested for possession, what was your
25 sentence?

Ruggiano-direct/Norris

1 A. I paid a \$50 fine.

2 Q. Now, in addition to robbing the couple for Glen Bitet,
3 did you also commit other robberies to get drugs and money?

4 A. Yes, I did.

5 Q. Who else did you rob?

6 A. I robbed Sally Reale.

7 Q. Who is Sally Reale?

8 A. An associate of my father's.

9 Q. What did you rob from him?

10 A. Money.

11 Q. Did you also rob drug dealers?

12 A. Yes.

13 Q. How many times?

14 A. Five or six times.

15 Q. Did you ever use any weapon?

16 A. Just once.

17 Q. What kind of weapon?

18 A. Gun.

19 Q. Who did you get the weapon from?

20 A. Johnny Burke.

21 Q. Who is he?

22 A. An associate of my father's. At the time he was my
23 sister's boyfriend.

24 Q. Did you discharge the gun in the course of that robbery?

25 A. No.

Ruggiano-direct/Norris

1 Q. Did some of the robberies you committed also involve
2 shaking down drug dealers?

3 A. Yes.

4 Q. What did you do for that?

5 A. We would go in clubs and we would like tell the drug
6 dealers come into the bathroom, we wanted to buy drugs. We
7 would get him in the bathrooms and rifle through his pockets
8 and take a couple pieces of coke.

9 Q. What club did you do this at?

10 A. Lemon Tree, various clubs.

11 Q. When?

12 A. In the eighties.

13 Q. Did you go to clubs a lot?

14 A. Whenever I could afford to. Most of the time I went to
15 the Ritz a lot. The Ritz, I went to the Lemon Tree, I went
16 to Crisco's, yeah.

17 Q. Did you ever go to Studio 54?

18 A. A few times.

19 Q. Were you ever arrested or prosecuted for any of those
20 robberies or shakedowns?

21 A. No.

22 Q. When did you first stop using drugs?

23 A. First time I stopped was in February 1988.

24 Q. What did you do to stop?

25 A. I put myself in treatment facility.

Ruggiano-direct/Norris

1 Q. Where was that?

2 A. In St. Johnsbury, Vermont.

3 Q. That was the facility you were in when your
4 brother-in-law tried to choke your mother?

5 A. Correct.

6 Q. How long were in you that treatment facility?

7 A. I think around 22 days.

8 Q. After coming out of rehab, did you have any relapse?

9 A. Yes, I did.

10 Q. How many?

11 A. Two.

12 Q. When was the first?

13 A. November of that year, of '88.

14 Q. What drugs did you take to relapse?

15 A. I drank scotch and snorted some coke.

16 Q. When was the second?

17 A. The beginning of January of '89.

18 Q. Do you remember what day?

19 A. The eleventh. January 11th.

20 Q. What drug did you take then?

21 A. The same, cocaine and I think I smoked pot. I drank
22 scotch, snorted some coke and I think I smoked a couple
23 joints.

24 Q. When did you stop finally?

25 A. The 12th.

Ruggiano-direct/Norris

1 Q. January 12th?

2 A. Yes.

3 Q. 1989?

4 A. Yes.

5 Q. Was that the last time you've used drugs or alcohol?

6 A. Yes, I have been clean 20 years.

7 Q. Even though you were clean, did you later tell a Judge
8 you were using drugs when you weren't?

9 A. Yes.

10 Q. When?

11 A. When I got sentenced in 1998. I told him in '97, when
12 we took the plea.

13 Q. What case was that?

14 A. The case with Nicky in Florida.

15 Q. Why did you lie to the Judge and tell him you were still
16 using drugs?

17 A. Our lawyers, Nicky's nephew, Joseph Corozzo, who was one
18 of the attorneys on our case, and the other lawyers in
19 Florida told us if we told the Judge that we were on drugs or
20 alcohol and asked him to recommend we went into the federal
21 drug program, if we got into the program and successfully
22 completed it, they would take a year off our sentence and
23 give us a six-month Halfway House.

24 Q. You mentioned Nicky's nephew, Joseph?

25 A. Joseph.

Ruggiano-direct/Norris

1 Q. He is a lawyer?

2 A. Yeah, he is a lawyer.

3 Q. He is a lawyer. Is that the same person as JoJo
4 Corozzo, the consigliere?

5 A. It is his son.

6 Q. He was your lawyer?

7 A. No, he was Nicky's lawyer -- one of Nicky's lawyers. I
8 had Jerry Shargel.

9 Q. Did the --?

10 THE COURT: Jerry who?

11 THE WITNESS: Jerry Shargel.

12 THE COURT: Spell that, please.

13 Q. Can you spell Shargel?

14 A. I don't know how to spell it.

15 Q. Did the Judge recommend you for that program?

16 A. Yes, he did.

17 Q. Because you lied to him?

18 A. Yeah.

19 Q. Were you ultimately accepted?

20 A. No.

21 Q. Why not?

22 A. Because when the time came for me to go in, I told the
23 woman that was running the drug program at Schuylkill the
24 truth, and, plus, there was a discrepancy with my PSI report.

25 Q. What is Schuylkill?

Ruggiano-direct/Norris

1 A. Federal prison.

2 Q. Is that the federal prison you were in until 2004?

3 A. Yes.

4 Q. Since coming clean?

5 THE COURT: When did this lawyer say that?

6 THE WITNESS: Excuse me.

7 THE COURT: When did this lawyer allegedly say that?

8 THE WITNESS: 1997, when I was in prison in

9 Florida, I was in the MCI.

10 THE COURT: Did he tell it to you?

11 THE WITNESS: Yeah, he told it to us in the attorney
12 room.

13 THE COURT: Directly to you?

14 THE WITNESS: Sure.

15 Q. Since becoming clean, have you attended meetings?

16 A. Yes, I have.

17 Q. What kind of meetings?

18 A. Narcotics Anonymous meetings.

19 Q. How often have you attended Narcotics Anonymous meetings
20 over the last 20 years?

21 A. When I wasn't in prison, three, four times a week.

22 Q. Does that continue today?

23 A. Yes, it does.

24 THE COURT: Stop.

25 (Pause in proceedings.)

Ruggiano-direct/Norris

1 THE COURT: Proceed, please.

2 Q. When did you first start going into Narcotics Anonymous?

3 A. In 1988.

4 Q. And did going there stop you from being a criminal?

5 A. No.

6 Q. Did it stop you from associating with organized crime?

7 A. No.

8 Q. Did you continue to commit crimes as a Gambino

9 associate?

10 A. Yes, I did.

11 Q. From that point forward?

12 A. Yes, I did.

13 MR. NORRIS: Is it a good time for a break, Judge?

14 THE COURT: It is. Take ten, please.

15 Remove the witness, please. Remain seated, counsel,
16 please.

17 The clerk of the court will furnish those pages of
18 the transcript containing the testimony of the witness with
19 respect to what an attorney admitted in the State of New York
20 allegedly told him with respect to drug addiction and the
21 effect on his prison sentence. Bring it to the attention of
22 the United States Attorney with a request that it be brought
23 to the attention of the Committee on Ethics of the Bar
24 Association.

25 Thank you.

Ruggiano-direct/Norris

1 MR. BURLINGAME: Thank you.

2 MR. NORRIS: Thank you, Judge.

3 MS. SHARKEY: Judge, can I approach with
4 Mr. Burlingame briefly? Judge, I'm bringing this matter up
5 now because there's an issue of it being time sensitive.
6 There is a witness who's testifying this week who has written
7 letters to the U.S. Attorney in Florida. Mr. Burlingame has
8 given me copies of those letters. Those letters are two
9 things to understand. I've asked Mr. Burlingame for the
10 originals. If they were in his possession, he said he would
11 give them to me. The U.S. Attorney in Florida will not
12 release them to the Eastern District of New York

13 THE COURT: Why do you need the original?

14 MS. SHARKEY: I can't read the faint copies and I
15 believe that --.

16 THE COURT: Why can't you get a better copy?

17 MR. BURLINGAME: I will see if we can.

18 THE COURT: It is the easiest --

19 MS. SHARKEY: He has been trying and I would
20 welcome the Court's order, I believe, to direct them.

21 THE COURT: Let them try. If he can't, give me an
22 order.

23 (Recess taken.)

24 THE COURT: Be seated, please. Continue.

25 BY MR. MR. NORRIS:

Ruggiano-direct/Norris

1 Q. When did you first meet the defendant?

2 A. I met the defendant when I was about 17.

3 Q. Where did you meet him?

4 A. In the Mystic Colossus.

5 Q. Mystic Colossus?

6 A. Yeah.

7 Q. What's that?

8 A. A club on Cross Bay Boulevard back in the early
9 seventies.

10 Q. Who introduced you?

11 A. Genie Gotti.

12 Q. How old was the defendant at the time?

13 A. 21, 22.

14 Q. How much older is he than you?

15 A. Six or seven years older than me.

16 Q. When was the next time you met him?

17 A. I met him the next time at -- in front of a club on
18 Crescent and Sutter, Carlo The Butchers.

19 Q. Carlo The Butchers?

20 A. Yeah.

21 Q. What kind of club is it?

22 A. A social club.

23 Q. What neighborhood is that?

24 A. East New York.

25 Q. How did you end up there?

Ruggiano-direct/Norris

1 A. My girlfriend at the time lived up the street from there
2 on Crescent Street. I was driving in the car with my father.

3 Q. What happened?

4 A. They were -- there were a bunch of guys standing outside
5 the club and my father asked me if I knew them, and I said
6 no, but one of them has the hots for Alice.

7 Q. Who was that?

8 A. Tommy Sneakers.

9 Q. Do you know Tommy's real name?

10 A. Thomas, I don't know. Thomas Sneakers.

11 Q. Do you know his last name?

12 A. I do. I can't bring it up right now.

13 Q. Who did you see at the front of the club?

14 A. Charlie, Tommy Sneakers, Jackie and a few other guys. I
15 don't remember their names.

16 Q. And Charlie is the defendant?

17 A. Yes.

18 Q. Who is Jackie?

19 A. He is a soldier in the Gambino family.

20 Q. You told your father that Tommy Sneakers had the hots
21 for Alice?

22 A. Yeah.

23 Q. What did your father do?

24 A. He pulled the car over.

25 Q. And can you tell the jury what he said to him?

Ruggiano-direct/Norris

1 A. He got out of the car and he -- he introduced me to
2 them. He said this is my son Anthony. So, if you see him
3 around you know it is him. He's going out with Alice who
4 lives up the block Alice Piony (ph.). they said that's nice,
5 we know Alice, blah, blah, blah. They were a little
6 surprised my father got out of the car.

7 Q. Why?

8 A. I guess because of his reputation. They didn't know
9 what he was doing there.

10 Q. Did your father tell you privately why he wanted to
11 introduce you to the defendant and Tommy Sneakers and Jackie?

12 A. Yeah. He was taking me around and introducing me to a
13 lot of people so they would know me, I would know who they
14 were and I wouldn't have no problems with them.

15 Q. Did Tommy Sneakers pursue Alice after that?

16 A. No.

17 Q. Showing you what's in evidence as Government's Exhibit

18 2 E. Who's that

19 A. Jackie, little Jackie.

20 Q. What is the highest rank he obtained in the Gambino
21 crime family?

22 A. He is a soldier.

23 Q. Showing you Government's Exhibit 2B. Who's that?

24 A. Tommy Sneakers.

25 Q. And again, what's his last name?

Ruggiano-direct/Norris

1 A. I can't remember his last name right now.

2 Q. What is the highest rank he obtained?

3 A. Captain.

4 Q. Do you know if Jackie and Tommy Sneakers were close to
5 the defendant?

6 A. Yes.

7 Q. How close?

8 A. They were always together. They were very close.

9 Q. Do you know if Tommy Sneakers was ever the defendant's
10 captain?

11 A. Yes, he was.

12 Q. Have you interacted with the defendant over the years?

13 A. Yes.

14 Q. On occasion?

15 A. Occasionally.

16 Q. Typically where would you see him?

17 A. I would see him in the diners, in Esquire Diner, Blue
18 Fountain, in bars, at weddings, funerals, in the club, in
19 Bergen Hunt and Fish Club, the Ravenite.

20 Q. Bergen Hunt and Fish Club, where is that?

21 A. On 101st Avenue.

22 Q. What neighborhood?

23 A. Ozone Park.

24 Q. And Ravenite, where is that?

25 A. That was the club in Manhattan.

Ruggiano-direct/Norris

1 Q. Where?

2 A. On Mulberry Street.

3 Q. What neighborhood?

4 A. Little Italy.

5 Q. What kind of clubs were they?

6 A. Excuse me.

7 Q. What kind of clubs were they?

8 A. Social clubs.

9 Q. Whose club was the Bergen?

10 A. When I was a kid it was Charlie's club and Johnny
11 Gotti's.

12 Q. Charlie?

13 A. Wagner.

14 Q. What was his position at the time?

15 A. I believe he was a soldier then, when I first met him.
16 Then he became a captain.

17 Q. Later it became John Gotti's club?

18 A. Yes.

19 Q. What about the Ravenite, whose club was that?

20 A. When I was a kid it was Neal's club.

21 Q. Who is Neal?

22 A. Underboss of the Gambino family.

23 Q. What was his last name?

24 A. Dellacroce.

25 Q. Whose club was it after that?

Ruggiano-direct/Norris

1 A. John Gotti's.

2 Q. You mentioned a number of diners. The Esquire Diner,
3 where was that?

4 A. On Cross Bay and Liberty in Ozone Park.

5 Q. What about the Blue Fountain Diner, where was that?

6 A. Cross Bay Boulevard in Howard Beach.

7 Q. Did you ever see the defendant in any other diners?

8 A. The Lindenwood Diner.

9 Q. Where was that?

10 A. On Linden Boulevard and Rockaway Boulevard -- Linden
11 Boulevard and 79th Street.

12 Q. Is it fair to say you saw the defendant socially, but
13 you weren't very close then?

14 A. Yes.

15 Q. Did you ever commit any crimes with him?

16 A. Never.

17 Q. Were you nonetheless familiar with his reputation?

18 A. Yes.

19 Q. How?

20 MS. SHARKEY: Objection.

21 THE COURT: Overruled.

22 Q. You may answer.

23 A. I was -- his reputation?

24 Q. Who told you about the defendant's reputation?

25 A. My father, Tony Lee, Donna Calvacante, Billy Victor,

Ruggiano-direct/Norris

1 people in the neighborhood. We all knew --

2 Q. Who?

3 A. Billy Victor. Mikey Gaw, Nick.

4 Q. Who was Donna Calvacante?

5 A. A girl from The Old Mill.

6 Q. Is she related to anyone?

7 A. Yeah, she is related to Joey Calvacante.

8 Q. Who is he?

9 A. Associate with Charlie and Johnny.

10 Q. The defendant?

11 A. Yeah.

12 Q. And his brother?

13 A. Yeah.

14 Q. What about Billy Victor, who is that?

15 A. A number runner from the neighborhood. He was with
16 John Gotti.

17 Q. What was his position in the family?

18 A. An associate.

19 Q. Do you know him for a long time?

20 A. Yeah, I know him since I'm a kid.

21 Q. What did all those people tell you about the defendant's
22 reputation?

23 MR. FARBER: Objection, speculation.

24 THE COURT: I will allow it.

25 A. That he was crazy, that he was a killer. Donna was

Ruggiano-direct/Norris

1 scared of him.

2 Q. Whose crew was the defendant in when you met him?

3 A. John Gotti's.

4 Q. And who was he close to back in the 1970's?

5 A. Genie, Sally, Quack, John, his brother, Angelo, Tommy
6 Sneakers, Jackie, Peter Zuccaro, Joey DeCalvacante, Andrew,
7 my brother-in-law, Frankie.

8 Q. Let's go through the names. Gene is who?

9 A. A captain -- Gene Gotti, a captain in the Gambino
10 family.

11 Q. John?

12 A. John Gotti.

13 Q. His brother?

14 A. Excuse me.

15 Q. The defendant's brother?

16 A. Johnny.

17 Q. You mentioned Peter Zuccaro; is that right?

18 A. Yes.

19 Q. And Joey is Joey Calvacante?

20 A. Yes.

21 Q. Andrew, do you know his last name?

22 A. I don't know. He has been in jail for so many years.

23 Q. Do you know what he went to jail for?

24 A. For about five murders.

25 Q. Is he in the defendant's crew?

Ruggiano-direct/Norris

1 A. He was.

2 Q. Was Tommy Sneakers?

3 A. Yeah.

4 Q. Jackie was a person you identified?

5 A. Yes.

6 Q. These are all people the defendant was close to back in
7 the 1970's?

8 A. Yeah.

9 Q. Did they remain his friends over time?

10 A. As long as I know them.

11 Q. You mentioned Peter Zuccaro, Joey Calvacante and Andrew.
12 Were they close associates back in the 1970's?

13 A. Yeah, they were friends. They were kids, but they were
14 all friends. More towards the early eighties, that's when
15 Peter, that's when I sat down with them, yeah, in the early
16 eighties.

17 Q. And as time went on, do you know anyone else who the
18 defendant became close to?

19 A. As time went on?

20 Q. Yeah.

21 A. Yeah, John Gotti, Jr.

22 Q. Do you know any other associates, people in his crew
23 that he was close to?

24 A. This little kid Kevin that would drive him around.

25 Q. Do you know Kevin's last name?

Ruggiano-direct/Norris

1 A. Some Irish name. Something with an M, Mc something.

2 One of them Mc something. I don't know it.

3 Q. Do you know if Kevin was close to the defendant's
4 brother as well?

5 A. Yeah, he was always with him, always driving him around
6 and stuff.

7 Q. Do you know if the defendant was ever close to anyone in
8 any other crime family?

9 A. Yeah, he was friends with everybody. Vinny Asaro (ph.),
10 Ciro Perrone. Yeah, in Ozone Park every crime family had a
11 cafe. Ralphie Scopo Joey Scopo.

12 Q. What crime family was Vinny Asaro in?

13 A. Bonannos.

14 Q. How about Ciro Perrone?

15 A. Genovese.

16 Q. What about Ralph Scopo?

17 A. Colombos.

18 Q. What position did he have in the Colombo family?

19 A. He was a captain.

20 Q. Were the defendant and Ralph Scopo close?

21 A. Ralph Scopo Jr., yeah.

22 Q. You mentioned Peter Zuccaro. How long have you known
23 him?

24 A. I know him since I'm a teenager.

25 Q. Do you know of any crimes he committed?

Ruggiano-direct/Norris

1 A. Yeah, with my brother in law. They robbed armored
2 trucks together, killed people together, sold drugs together.

3 Q. Do you know how he came to be in the defendant's crew?

4 A. I believe he lived around the corner from the club on
5 Crescent and Sutter with his mother, his brother.

6 Q. That was in East New York?

7 A. Yeah.

8 Q. How would you describe Peter Zuccaro?

9 A. A bully.

10 Q. Kevin, how long have you known him?

11 A. I know him now 20 years.

12 Q. How would you describe Kevin?

13 A. I don't know. He used to drive around, a gopher. Just
14 to drive them around. I would always see him driving John
15 around, Charles' brother. Always wore suits and walked --
16 you know, a little guy.

17 Q. Did you have a nickname for him?

18 A. We would call him The Midget, Shorty.

19 Q. Showing you what's in evidence as Government's Exhibit 2
20 BB-1 one. What's that?

21 A. It is Peter Zuccaro.

22 Q. What's the highest position he obtained in the Gambino
23 family?

24 A. Associate.

25 Q. Showing you what's in evidence as Government's Exhibit 2

Ruggiano-direct/Norris

1 BB-2. Who's that?

2 A. It looks like another picture of Peter Zuccaro.

3 Q. Showing you what's in evidence as Government's Exhibit

4 2 T. Who's that

5 A. Kevin.

6 Q. What's the highest position Kevin obtained in the
7 family?

8 A. Associate.

9 Q. You testified that the defendant was in John Gotti's
10 crew back in the 1970's; is that correct?

11 A. Yes.

12 Q. What was the relationship like between your father's
13 crew, Fat Andy's crew and John Gotti's crew back then?

14 A. It was strained at times.

15 Q. Did the defendant ever have any problems with anyone in
16 your father's crew?

17 A. Yes.

18 Q. Who?

19 A. Sal Pecchio and some other kids, but they were
20 legitimate kids.

21 Q. Explain how the defendant's problems with Sal Pecchio
22 arose?

23 MS. SHARKEY: Objection.

24 THE COURT: Overruled.

25 A. Frankie Russo had a fight with a guy named Banky and he

Ruggiano-direct/Norris

1 came to the bar that we used to stay in. I wasn't there. He
2 told Sal that he had a fight with Banky and a couple of guys
3 got in Frankie Russo's car and went to Pizza City.

4 Q. What is Pizza City?

5 A. It used to be like a fast food place in Howard Beach.
6 It sold pizza and Italian heroes. Like the Bow Wow. The Bow
7 Wow and Pizza City.

8 Q. Who was Banky?

9 A. A drug dealer from the neighborhood.

10 Q. Associated with any particular crime family?

11 A. I believe he was associated with the Genoveses at one
12 time.

13 Q. Close to the defendant?

14 A. Yeah, they were friends.

15 Q. So, what happened at Pizza City?

16 A. Banky showed up there with Charlie. They had bats or
17 some axes or hammer and they started fighting. Somehow they
18 got an axe handle or hammer away from them and Sal hit Banky
19 on the head with it and cracked his head open.

20 Q. Sal is Sal Pecchio?

21 A. Yes.

22 Q. Your friend and associate in your father's crew?

23 A. Yes.

24 Q. Charlie is the defendant?

25 A. Yes.

Ruggiano-direct/Norris

1 Q. What happened after Banky got his head cracked open?

2 A. There was a sit-down in my father's club. Banky wanted
3 to kill Sal.

4 Q. What club?

5 A. Cafe Liberty.

6 Q. Do you know who sat down for Banky?

7 A. Banky came with some captain. I don't remember the
8 name. An old-timer who sat down for Sal. My father --

9 Q. Can you explain to the jury what a sit-down is?

10 A. It is where beefs are straightened out, where things are
11 negotiated, deals are made.

12 Q. What is a beef?

13 A. You know, like the beef with Banky, a fight,
14 discrepancy, money has to change hands. It is a way to solve
15 the problem.

16 Q. To solve a dispute?

17 A. Correct.

18 Q. And what was the resolution of the dispute?

19 A. Sal apologized to Banky.

20 Q. Banky didn't get permission to kill Sal?

21 A. No.

22 Q. What was the defendant's -- withdrawn.

23 Are you familiar with what happened to the defendant's
24 relationship with Sal Pecchio after that?

25 A. It was strained.

Ruggiano-direct/Norris

1 Q. Strained?

2 A. Yeah.

3 Q. And did that incident at Pizza City and the sit-down to
4 your knowledge affect the defendant's relationship with your
5 other friends as well?

6 A. Yeah. I don't believe he liked my friends very much
7 after that.

8 Q. Did you ever hear the defendant refer to what happened
9 at the Pizza City ever again?

10 A. Yeah.

11 Q. When?

12 A. In -- Tony Lee had a club on Liberty Avenue and 88th
13 Street and they had a sit-down with Carl Amato and Charlie
14 brought it up briefly.

15 Q. What was the sit-down over, briefly?

16 A. They had some kind of hot air balloon business. He had
17 one, Carl had one, and there was some kind of discrepancy
18 over location or something and they sat down -- we sat down
19 at the table -- I happened to be there by accident. I sat
20 down at the table with them. They were talking and Charlie
21 said under his breath we are not behind Pizza City anymore.

22 Q. You heard him say that?

23 A. Yeah.

24 Q. He said it to Carl?

25 A. Yeah.

Ruggiano-direct/Norris

1 Q. Do you have an understand as to why he raised Pizza City
2 years later?

3 A. I guess he had resentment about it.

4 Q. What did Tony Lee say to the defendant?

5 A. Tony Lee said he should know better not to bring that
6 up.

7 Q. Did he say anything else?

8 A. That's all supposed to be forgotten about.

9 Q. What did you understand Tony Lee to mean?

10 A. Well, because when the incident happened Charlie wasn't
11 a wise guy yet. When you become a wise guy you're supposed
12 to be reborn and forget about your old beefs with people and
13 resentments and all that. Now you're not equal no more.
14 You're not supposed to get even now because you're a wise guy
15 and take advantage of the situation.

16 Q. Let bygones be bygones?

17 A. Right.

18 Q. Are you familiar with the term "inner circle"?

19 A. Yes.

20 Q. What does it refer to?

21 A. People that you most trust.

22 Q. Did your father have an inner circle?

23 A. Yeah.

24 Q. Who was it?

25 A. Nicky, Lenny, JoJo, Tony Lee.

Ruggiano-direct/Norris

1 Q. What was the significance of his inner circle?

2 A. Well, if you wanted to have -- if somebody had to die or
3 something serious he would delegate it to the inner circle.

4 Q. People he trusted the most?

5 A. Correct.

6 Q. Do you know if John Gotti had an inner circle?

7 A. Yeah.

8 Q. Who was in it?

9 MS. SHARKEY: Objection.

10 THE COURT: Overruled.

11 A. Angelo, Charles, Johnny Carneglia, Genie.

12 Q. Do you have an understanding as to why the defendant was
13 in John Gotti's inner circle?

14 MS. SHARKEY: Objection.

15 THE COURT: Overruled.

16 A. Can you repeat that?

17 Q. Do you have an understanding as to why the defendant was
18 in John Gotti's inner circle?

19 A. Because he was a killer.

20 Q. You testified before that you ran into the defendant at
21 the Blue Fountain Diner from time to time?

22 A. Yeah.

23 Q. Where is the Blue Fountain Diner?

24 A. In Howard Beach.

25 Q. What street?

Ruggiano-direct/Norris

1 A. It is on Cross Bay Boulevard.

2 Q. Is it still called the Blue Fountain Diner?

3 A. No.

4 Q. Is the diner still there?

5 A. Yeah. The last I was in the neighborhood it was still
6 there. I haven't been in the neighborhood in over two years.

7 Q. Did you ever have any conversations with anyone in your
8 father's crew about a fight that took place at the Blue
9 Fountain Diner?

10 A. Yes, I did.

11 Q. Did you ever have any conversations with anyone in your
12 father's crew about the fact someone was stabbed to death in
13 the fight at that diner?

14 A. Yes, I did.

15 Q. Who was stabbed to death?

16 MS. SHARKEY: Objection.

17 THE COURT: Overruled.

18 MS. SHARKEY: Withdrawn on that.

19 Q. Who was stabbed to death?

20 A. Some kid Michael.

21 Q. Do you recall his last name?

22 A. It starts with a C. I just can't recall it. I know it
23 started with a C. I'm almost positive it started with a C.
24 Something with a C. I don't remember it.

25 Q. How did you know him?

Ruggiano-direct/Norris

1 A. Through Robert Engel from the neighborhood.

2 Q. Were you friends?

3 A. Yeah, we were friends. We knew each other.

4 Q. Who was he close to?

5 A. Robert.

6 Q. Was Robert Engel one of your associates in your father's
7 crew?

8 A. Yes.

9 Q. And one of your close friends?

10 A. Yes.

11 Q. How long had you known Michael at the time he was
12 killed?

13 A. Maybe a year.

14 Q. What did he look like?

15 A. Nice looking kid, brown hair, you know, good complexion,
16 good looking kid, Italian looking kid.

17 Q. How old was he when he died?

18 A. I would say we were all around the same age. Early
19 twenties, 22, 23. I just turned 24. We were all around the
20 same age. Robert was a little younger. He might have been a
21 year or two younger. He was closer to Robert's age.

22 Q. What year was Michael murdered?

23 A. 1977.

24 Q. How do you remember that?

25 A. It is the same year I married Alice.

Ruggiano-direct/Norris

1 Q. When did you marry Alice?

2 A. October 2nd, 1977.

3 Q. Did anyone else get murdered that year?

4 A. Yeah, my friend Tommy Cooly (ph.) got murdered in the
5 park.

6 Q. Is Michael affiliated with organized crime?

7 A. Yeah.

8 Q. Who was he at the time he was killed?

9 A. He was an associate.

10 Q. Your father's crew?

11 A. Technically, yeah.

12 Q. Who was he with?

13 A. Nicky Corozzo.

14 Q. Who else was he close to aside from Robert?

15 A. He was close to JoJo, Nicky, Lenny.

16 Q. Had Nicky Corozzo been made at the time Michael was
17 killed?

18 A. Yes, he was.

19 Q. So, were Robert Engel and JoJo part of Nicky's crew at
20 that point?

21 A. Yes.

22 Q. But your father and Nicky, they remain close?

23 A. At that point, yes.

24 Q. And your father in fact proposed Nicky to become a
25 member, correct?

Ruggiano-direct/Norris

1 A. Yes.

2 Q. And did your father -- withdrawn.

3 Was your father still a more powerful member of the
4 family as compared to Nicky?

5 A. Yeah.

6 Q. Who did you first learn about Michael's murder from?

7 A. Carl Amato.

8 Q. Carl was in your father's crew at the time?

9 A. Yes.

10 Q. Fat Andy's crew?

11 A. Yes.

12 Q. How soon after did it happen?

13 A. The next morning.

14 Q. Did you subsequently speak about it with anyone else?

15 A. Yes, later on.

16 Q. Who?

17 A. Robert, Freddy Hot, Phyllis DeCongilio.

18 Q. Freddy DeCongilio?

19 A. Yes.

20 Q. Did he have a relationship with Phyllis DeCongilio?

21 A. His daughter.

22 Q. Robert is Robert Engel?

23 A. Yes.

24 Q. How long after your conversations of conversation with
25 Carl Amato did you speak with Robert the first time?

Ruggiano-direct/Norris

1 A. The first time at Michael's funeral two or three days
2 later.

3 Q. How long after your conversation with Robert did you
4 have the conversation with Freddy Hot?

5 A. Five to six days later.

6 Q. Did you have additional conversations with Robert Engel
7 and your father as well?

8 A. Yes.

9 Q. And did some of those conversations relate to a number
10 of sit-downs that were called?

11 A. Yes.

12 Q. Did one of the sit-downs relate to Carl Amato's
13 punishment for being involved in the fight in which Michael
14 was killed?

15 A. Yes.

16 Q. And did another one of those sit-downs relate to Robert
17 Engel's punishment for being involved in the same fight?

18 A. Yes.

19 Q. And were those sit-downs necessary because the Blue
20 Fountain Diner was with wise guys from another family?

21 A. Yes.

22 MS. SHARKEY: Objection to leading.

23 THE COURT: I will allow it.

24 Q. The outcome of both sit-downs was that Carl Amato and
25 Robert Engel were prohibited to returning to the diner

Ruggiano-direct/Norris

1 because of what happened; is that fair to say?

2 A. Yes.

3 Q. Was there a third sit-down that pertained directly to
4 the status of the defendant in the Gambino family?

5 A. Yes.

6 Q. How would you characterize that sit-down?

7 A. Very serious.

8 Q. Did it involve life and death?

9 A. Yes.

10 Q. Did that sit-down involve competing crews in the Gambino
11 family?

12 A. Yes, it did.

13 MS. SHARKEY: Objection as to leading, your Honor.

14 THE COURT: I will allow it.

15 (Continued on the following page.)
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Ruggiano/Direct/Norris

1 MS. SHARKEY: Objection as to leading, your Honor.

2 THE COURT: Overruled. I'll allow it.

3 Q. Competing factions?

4 A. Yes.

5 Q. What were the competing crews?

6 A. Nicky's crew and John Gotti's crew.

7 Q. What crew was the defendant in?

8 A. John Gotti's.

9 Q. Whose crew was Robert Engel in?

10 A. Nicky's.

11 Q. Why was it that Robert Engel was on the other side of
12 the sit-down from the defendant?

13 MS. SHARKEY: Objection.

14 THE COURT: You may answer.

15 A. Could you repeat the question.

16 Q. Why was it that Robert Engel was on the other side of
17 the sit-down from the defendant?

18 A. Because he wanted to get even for Michael getting
19 killed.

20 Q. Because Michael was his close friend?

21 A. Yes.

22 Q. And again--withdrawn.

23 Robert was represented by Nicky Corozzo at the sit-down?

24 A. Yes.

25 Q. Again, Nicky's crew at that time was very closely

Ruggiano/Direct/Norris

1 aligned with your father's crew?

2 A. Yes, they were.

3 Q. Could your father have represented Robert as well?

4 A. Yes, he could have.

5 Q. Do you have an understanding as to why Nicky ended up
6 representing Robert instead of your father?

7 A. Yeah, because I asked my father if Robert was still with
8 my father because my father at that point hadn't released
9 anybody to Nicky so technically everybody was still with my
10 father. And I asked my father how come you're not sitting
11 down for Robert and he said because Nicky wants to get his
12 feet wet and he doesn't like him.

13 Q. He doesn't like who?

14 A. John Gotti's crew.

15 Q. Did you have an understanding as to what he meant by
16 Nicky wants to get his feet wet?

17 A. I guess it was his first serious sit-down and he wanted
18 to get in there, he wanted to show --he was a new wiseguy, he
19 wanted to get in there, you know. And it was a serious
20 matter. They were looking to kill Charlie.

21 Q. The defendant?

22 A. Yes.

23 Q. Robert was looking to kill the defendant?

24 A. Yeah, sure.

25 Q. For killing Michael?

Ruggiano/Direct/Norris

1 A. Yes.

2 MS. SHARKEY: Objection. Move to strike.

3 THE COURT: Overruled.

4 MR. NORRIS: May I proceed?

5 THE COURT: You may.

6 Q. Did some of the conversations you had take place before
7 the sit-downs took place?

8 A. Yes.

9 Q. And some afterwards?

10 A. Yes.

11 Q. Can you estimate how much time elapsed between the
12 stabbing and the sit-down?

13 A. A week.

14 Q. Let's start at the beginning. You said you first heard
15 about the stabbing from Carl Amato, is that correct?

16 A. Correct.

17 Q. Where did that conversation take place?

18 A. At my father's' house.

19 Q. Time of day?

20 A. About 10:00 in the morning.

21 Q. Who was involved in the conversation?

22 A. My father, me and Carl.

23 Q. What was Carl's demeanor?

24 A. Very nervous, very scared.

25 Q. How could you tell?

Ruggiano/Direct/Norris

1 A. By the way he was acting. When I heard the bell ring
2 and I opened up the door, he came running in my father's
3 living room and I saw him and I said what's the matter. You
4 could see it in his face. I said: What's wrong?

5 Q. What did he say?

6 A. He told me that fucking Charlie Conig stabbed Michael.
7 And I said: What, Charlie? He said: Yeah, Charlie stabbed
8 Michael in the Blue Fountain Diner.

9 Q. Did he say where he stabbed him?

10 A. He said --I said: What do you mean he stabbed him? He
11 said we were beefing with him and the next thing I knew, he
12 took a knife out and he stabbed Michael in the chest and then
13 he said: And Michael was laying on the floor.

14 Q. Did he say what happened to Michael after he was stabbed
15 by the defendant?

16 A. He died in ambulance on the way to the hospital.

17 Q. Did Carl say who else was there the night the defendant
18 stabbed Michael to death?

19 A. Yes.

20 Q. Who?

21 A. Robert Engel, Phyllis and Carl's girlfriend Lizzy.

22 Q. Phyllis is Freddy Hot's daughter, Phyllis DeCongilio?

23 A. Yes.

24 Q. Who was she dating at the time?

25 A. She was dating Robert.

Ruggiano/Direct/Norris

1 Q. And Carl was dating Lizzy?

2 A. Yes.

3 Q. And you testified that Carl appeared scared. What was
4 your understanding as to why he came to your father's house
5 that morning?

6 A. Because he was afraid of Charlie, number one, and he
7 figured Charlie might catch a dilusion on him that he was
8 going to go to the cops and try to hurt him and Charlie would
9 try to sneak and kill and he knew that the diner was with
10 wiseguys and you are not supposed to be involved in beefs
11 like that in wiseguy places.

12 Q. You said catch a dilution, what does that mean?

13 A. Think someone is going to do something that they are
14 really not and believe in your heart that they are going to
15 hurt you.

16 Q. Did Carl say why he thought that the defendant was going
17 to catch a dilution on him?

18 A. Because of his reputation. Carl knew he was a killer,
19 you know. His reputation was like he was crazy.

20 Q. Did Charlie tell you what he thought the
21 defendant--withdrawn.

22 A. Yeah, he said he was --.

23 MS. SHARKEY: Objection.

24 MR. NORRIS: I'll ask it another way.

25 Q. Did Carl tell you what he thought the defendant was

Ruggiano/Direct/Norris

1 afraid he would do?

2 MS. SHARKEY: Objection.

3 THE COURT: I'll allow it.

4 Establish again the demeanor of the person he heard
5 this from allegedly and how long after the event and how far
6 away from the event.

7 Q. You testified that Carl Amato came to your father's
8 house the morning after the incident, is that correct?

9 A. Yes.

10 Q. And he rang the bell and you opened the door and he came
11 in and he appeared scared, is that right?

12 A. Yes.

13 Q. And he told you that the defendant had killed Michael at
14 the Blue Fountain Diner?

15 A. Yes.

16 Q. He stabbed him in the chest?

17 A. Yes?

18 THE COURT: Establish why he thought he was scared.

19 Q. Again, can you explain what did Carl tell you as to why
20 he was scared?

21 THE COURT: Establish his demeanor and his
22 appearance, the way he talked, et cetera.

23 Q. Did Carl--withdrawn.

24 You testified that Charlie's demeanor was that he was
25 scared, correct?

Ruggiano/Direct/Norris

1 A. Yes.

2 Q. And did you have an understanding as to why he was
3 scared?

4 A. Yes, I did.

5 Q. Did he convey that understanding to you?

6 A. Yes, he did.

7 Q. Did he tell you why he was scared?

8 A. Yes, he did.

9 Q. What did he tell you?

10 A. He said he didn't want to get clipped by Charlie, he
11 didn't want Charlie to think he was going to go to the cops
12 and make a statement or look to retaliate against Charlie.
13 And then he was concerned that the diner was with wiseguys
14 and he knew that you didn't do that in wiseguy places, there
15 could be repercussions. When someone gets murdered in a
16 wiseguy place, they can lose their liquor license, get closed
17 down. So you are not supposed to do that. And he knew
18 Carl --and they knew that the diner was with wiseguys, like
19 it was a known fact.

20 Q. Explain what you mean by with wiseguys. Did wiseguys
21 run the diner?

22 A. The owners of the diner were with them. So behind the
23 scenes, you could say they were in it there.

24 Q. What did your father tell Carl?

25 A. Don't worry about it, nobody is going to hurt you and

Ruggiano/Direct/Norris

1 I'll straighten it out.

2 Q. You testified that you had a conversation with Robert
3 Engel as well?

4 A. Yes.

5 Q. When did that conversation take place?

6 A. At Michael's funeral.

7 Q. That was about two days later?

8 A. Yes.

9 Q. Who else was at the funeral?

10 A. We were all there, me, Sal, Robert, Carl, Nicky, Lenny,
11 JoJo, Ronnie One Arm, everybody, all our crew, our whole crew
12 was there.

13 Q. Pretty much every one in your father, Fat Andy's and
14 Nicky's crew?

15 A. Yes.

16 Q. Was Robert Engel's father there?

17 A. Yes.

18 Q. Do you recall him saying anything?

19 A. Yes.

20 Q. What did he say?

21 A. We were standing up at the coffin, Robert, me and his
22 father and his father looked in the coffin and said: Look,
23 look at that poor kid, and told Robert that should be you in
24 that fuckin coffin.

25 THE COURT: I couldn't hear him. Could you ask him

Ruggiano/Direct/Norris

1 to start that again, please.

2 Put the question. You are talking a little too
3 fast, please. Talk slower and louder.

4 Q. While you were at the funeral, did you have a
5 conversation with Robert Engel's father?

6 A. Yes, I did.

7 Q. What did he say?

8 A. We were standing up at the coffin, Robert, me and his
9 father and his father turned around and he went like this and
10 he pointed at Michael in the coffin and he said: Look, look
11 at that poor kid. He told Robert, he said look at that poor
12 kid. It should be you in that fuckin box not that kid.

13 Q. You were just indicating that Robert's father was
14 gesturing toward the coffin?

15 A. Yeah, we were looking at Michael in the coffin when he
16 said it.

17 Q. Do you have an understanding as to why Robert Engel's
18 father would tell his son that?

19 A. Yeah, because Robert was a troublemaker and his father
20 probably figured it was Robert's fault that Michael got
21 killed.

22 Q. What do you mean by troublemaker?

23 A. He was always fighting. Robert was a killer. His
24 father was --it was his father. He knew him better than
25 anybody.

Ruggiano/Direct/Norris

1 Q. Robert Engel's father, he wasn't that he felt Robert had
2 killed Michael?

3 A. No.

4 MS. SHARKEY: Objection as to form.

5 THE COURT: No, I'll allow it. I was a little
6 confused.

7 Try to clarify that.

8 Q. Just to clarify, Robert Engel's father was mad at his
9 son, fair to say, for what he viewed as him getting Michael
10 involved in that fight?

11 A. Correct.

12 Q. Robert Engel's father didn't think that Robert had
13 killed him?

14 A. Not at all.

15 Q. And in fact your understanding was that Michael was one
16 of Robert Engel's close friends?

17 A. They were always together.

18 Q. Did you and Robert Engel have a conversation at that
19 funeral parlor?

20 A. Yes, we did.

21 Q. Inside or outside?

22 A. No, we walked outside to smoke a cigarette.

23 Q. What did you and he discuss?

24 A. He was very emotional. We walked outside and we were
25 smoking and he just said that fucking Charlie, I'm going to

Ruggiano/Direct/Norris

1 kill him, that scumbag. I'm going to shoot him in the fuckin
2 head. He was going on and on. He was very emotional.

3 Q. What did you tell him when he told you that he wanted to
4 kill the defendant?

5 A. I told him whatever you are going to do, make sure you
6 do it right and be careful because Charlie is no joke.

7 Q. You testified before that a sit-down took place after
8 the funeral to address the defendant's status in the Gambino
9 Family?

10 A. I didn't catch that.

11 Q. You testified before that a sit-down took place after
12 the funeral to address the defendant's status in the Gambino
13 Family, correct?

14 A. A sit-down took place after the killing?

15 Q. After the funeral.

16 A. Yeah, my father sat down and Nicky sat down.

17 Q. And we talked about a number of sit-downs?

18 A. Yes.

19 Q. We talked about one sit-down in which Nicky represented
20 Robert, right?

21 A. Yes.

22 Q. And the purpose of that--withdrawn.

23 What was the purpose of that sit-down?

24 A. The one with the guys from the diner or the one with the
25 Gottis?

Ruggiano/Direct/Norris

1 Q. The one with Gottis.

2 A. Because Nicky wanted to get even for Michael.

3 Q. Did you and Robert ever discuss what happened at that
4 sit-down?

5 A. Yes.

6 Q. And did Robert tell you what specifically he was seeking
7 permission to do?

8 A. Yeah, he wanted to kill Charlie.

9 Q. And Nicky sat down for him at the sit-down?

10 A. Yes.

11 Q. Who sat down for the defendant?

12 A. I believe it was Genie Gotti.

13 Q. And Nicky is Nicky Corozzo?

14 A. Correct.

15 Q. Did Robert tell you what the outcome of the sit-down
16 was?

17 A. Yes, he did. He said that he got permission to get even
18 with Charlie.

19 Q. Did he tell you what specifically get even meant?

20 A. That he was going to try to kill him, hurt him.

21 Q. Did he tell you who attended the sit-down aside from
22 Nicky Corozzo and Gene Gotti?

23 A. He told me they were there and I believe he might have
24 told me Charlie was there. I'm not sure.

25 Q. Charlie Wagner?

Ruggiano/Direct/Norris

1 A. Yes.

2 Q. That was someone in the defendant's crew?

3 A. Yeah, he was --at that point he might have been John
4 Gotti's captain. At that, I'm not sure. John Gotti was a
5 straight guy. I think he was Genie's captain at that point
6 and my father's captain.

7 Q. Did Robert tell you if anyone else sat down on Robert's
8 behalf?

9 A. Lenny DiMaria.

10 Q. Nicky Corozzo's partner?

11 A. Yes.

12 Q. To your knowledge, did Robert Engel ever try to get even
13 with the defendant?

14 A. Not to my knowledge, no.

15 Q. As time went on, did Robert Engel ever talk to you about
16 what happened at the diner again?

17 A. Periodically he would bring it up again.

18 Q. What would he say?

19 MS. SHARKEY: Objection.

20 THE COURT: Sustained.

21 Q. You testified as well that you discussed what happened
22 at that diner with Freddy DeCongilio?

23 A. Yes.

24 Q. That's Freddy Hot?

25 A. Yes.

Ruggiano/Direct/Norris

1 Q. Freddy Hot was Phyllis DeCongilio's father?

2 A. Yes.

3 Q. And Phyllis DeCongilio was at the diner the night that
4 the defendant killed Michael, right?

5 A. Yes.

6 Q. And Phyllis DeCongilio was dating Robert Engel at the
7 time?

8 A. Yes.

9 Q. When did that conversation with Freddy DeCongilio take
10 place?

11 A. Five or six days after the murder.

12 Q. What did you discuss with him?

13 MS. SHARKEY: Objection.

14 THE COURT: You may answer.

15 A. He told me that --he said: I told my daughter to stay
16 away from Robert, he is no fucking good. My daughter had to
17 see this kid get killed. And he said Charles is another one,
18 he knew that was my daughter and that's what he does in front
19 of my daughter. He was upset.

20 Q. He was upset at Robert Engel for being involved in the
21 fight, fair to say?

22 A. Yes.

23 Q. And he was upset at the defendant stabbing Michael to
24 death in front of his daughter?

25 A. Correct.

Ruggiano/Direct/Norris

1 Q. Turning your attention to August 31, 2004.

2 A. Yes.

3 Q. What happened on that day?

4 A. I got released from prison.

5 Q. You testified earlier that you were proposed to be
6 inducted into the Gambino Family around that time, correct?

7 A. Correct.

8 Q. How long after you got out of prison did you learn that
9 you were being proposed?

10 A. Two weeks later.

11 Q. Who told you?

12 A. Nunzi told me.

13 Q. What is Nunzi's real name?

14 A. Michael Napolitano.

15 Q. What was his position in the Gambino Family?

16 A. He was a soldier.

17 Q. When you got out of prison, were you done serving your
18 sentence?

19 A. I was on supervised release. I went to a halfway house
20 when I first got out of prison.

21 Q. What is a halfway house?

22 A. It's where you are supposed to get reacquainted with
23 society.

24 Q. How long were you supposed to spend there?

25 A. Six months.

Ruggiano/Direct/Norris

1 Q. You mentioned supervised release. What is that?

2 A. It's like parole, probation.

3 Q. You had restrictions on where you could go, who you
4 could meet with?

5 A. Yes.

6 Q. And after you left the halfway house, were you on
7 supervised release?

8 A. Yes.

9 Q. And fair to say there were a variety of conditions that
10 you had to meet, correct?

11 A. Yes.

12 Q. Did you break them?

13 A. Yes, I did.

14 Q. Did you have a probation officer?

15 A. Yes, I did.

16 Q. What was your relationship like with him?

17 A. It was good.

18 Q. Did you think you were under surveillance while you were
19 on supervised release?

20 A. Periodically.

21 Q. Did you ever take steps to evade surveillance?

22 A. Yes, I did.

23 Q. Did you lie to your probation officer?

24 A. Yes, I did.

25 Q. Did you try to fool him?

Ruggiano/Direct/Norris

1 A. Yes, I did.

2 Q. Why?

3 A. Because once in a while I would meet someone who was on
4 my list. I had a list of people I wasn't allowed to
5 associate with, about 150 names on it. A few of the people
6 on the list I used to go sneak to go meet.

7 Q. What would have happened if your probation officer found
8 out that you were meeting with people on your list?

9 A. I would have gotten violated.

10 Q. What happens when you get violated?

11 A. They put you back in jail.

12 Q. You weren't permitted to meet or talk about organized
13 crime figures under the provisions of your release, correct?

14 A. No, I wasn't.

15 Q. But you did it anyway?

16 A. Yes.

17 Q. And the conversation you had with Nunzi, Michael
18 Napolitano, that was a violation of your supervised release?

19 A. No, he wasn't on my list, Nunzi.

20 Q. Did you have conversations with--withdrawn.

21 Did there come a time that you had any conversations
22 with anyone in other families about the fact that you had
23 been proposed?

24 A. Yes.

25 Q. Who?

Ruggiano/Direct/Norris

1 A. I had conversations with Vinnie Assaro, Ciril Perrone
2 Sonny Franzese.

3 Q. Who is Vinnie Assaro?

4 A. A captain in the Bonomo Family.

5 Q. Ciril Perrone?

6 A. He is a captain in the Genovese Family.

7 Q. Who is Sonny Franzese?

8 A. He was the underboss of the Colombo Family, acting
9 underboss I believe of the Colombo Family at the time.

10 Q. What was your understanding as to why they knew you were
11 being proposed?

12 A. Because they saw my name on the list that was being
13 passed around.

14 Q. Members of another organized crime families get a veto,
15 correct?

16 A. Correct.

17 Q. Where did you see Sonny Franzese, the underboss of the
18 Colombo Family?

19 A. We had the same parole officer and in the parole
20 officer's office in Suffolk County.

21 Q. Did you talk to him when you saw him?

22 A. Yes.

23 Q. What did he tell you?

24 A. He told me not to look at him because they were watching
25 us with the cameras and he just told me like this, he was

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1 rubbing his face and he said: I was with JoJo the other
2 night. We had a good conversation about you. Everything is
3 going to be good. You are going to be taken care of.

4 Q. By JoJo he meant JoJo Corozzo?

5 A. Yes.

6 Q. And you are gesturing rubbing your face?

7 A. Because he thought he was covering his lips. He didn't
8 want the camera to see him.

9 Q. So he covered his face with his hands?

10 A. Yes. And we were sitting over here. There was an empty
11 seat between us and I was sitting her and we were just
12 looking straight ahead and he was talking to me like this.

13 Q. He was sitting to your right?

14 A. Yes.

15 Q. And you both stared straight ahead and had a
16 conversation?

17 A. Yes.

18 Q. Sitting right there in the probation department?

19 A. Right in his office, his waiting room.

20 Q. What did you say to him?

21 A. I said thank you.

22 MR. NORRIS: I only have a brief bit more, judge.
23 Would you like to get further into it before lunch?

24 THE COURT: Try to take another 10 minutes if you
25 can and in a convenient topic. I don't think the jurors'

Ruggiano/Direct/Norris

1 lunch is here yet.

2 Q. Who else did you meet with when you got out of prison?

3 A. I met with Glenn Bitet, Sal Pecchio, my brother, Lenny
4 DiMaria, Franky LaPicolla.

5 Q. And your brother, what was his position in the family at
6 the time?

7 A. He was a soldier.

8 Q. Lenny DiMaria, his position?

9 A. He was a captain.

10 Q. Glen Bitet, that was the associate you talked about
11 earlier?

12 A. Yes.

13 Q. Could you tell the jury about what crimes you committed
14 with Glen Bitet over the course of your criminal career?

15 A. We sold drugs, robbery, we solicited prostitutes, we
16 committed credit card fraud.

17 Q. When did you meet Glen Bitet?

18 A. Around 1972.

19 Q. When did you first buy cocaine from him?

20 A. 1972.

21 Q. You continued thereafter?

22 A. My whole life that I used until the day I stopped.

23 Q. Who introduced you?

24 A. Mike DeVito.

25 Q. Who is that?

Ruggiano/Direct/Norris

1 A. At the time he was with us--he was an associate of the
2 Gambino Family.

3 Q. He later transitioned to another family?

4 A. Yes, my father and Tony Lee released him to the
5 Lucheses.

6 Q. When did you first have a conversation with Glen Bitet
7 after you got out of prison?

8 A. About a month after I came home in 2004.

9 Q. Where do you see him?

10 A. I went to his office.

11 Q. Where was his office?

12 A. Cross Bay Boulevard.

13 Q. What kind of office did he have?

14 A. A tax office.

15 Q. Did he own it?

16 A. Yes, he did.

17 Q. Did he run it by himself or with others?

18 A. At that point by himself.

19 Q. He previously owned it with anyone else?

20 A. Yes, his father and his brother.

21 Q. Did Glen Bitet prepare your taxes?

22 A. Yes, he did.

23 Q. Since when?

24 A. The first time he prepared my taxes was in 1994, I
25 believe '94 or '95.

Ruggiano/Direct/Norris

1 Q. Thereafter, did he continue to do it?

2 A. He did it in '96 and then in '97 and then it started
3 again when I got out of prison.

4 Q. Did he do anyone's else's taxes that you knew?

5 A. Alice's taxes, my second wife Valerie's taxes, my son's
6 taxes. He did my whole family's taxes.

7 Q. You testified before that you were involved in a variety
8 of criminal activity during the '90s. Is that fair to say?

9 A. Yes.

10 Q. You went to see Glen Bitet to prepare your taxes. Did
11 he ask you about your illegal income?

12 A. All my income was illegal in the '90s.

13 Q. So how did he prepare your taxes for you?

14 A. He said what do you want to do. I said I want to claim
15 something so put down I made thirty thousand on my taxes
16 because I wanted to start showing some money because I had
17 the vending company, I wanted to start cleaning up some of
18 the money that I was making.

19 Q. You just made up stuff and put it in the taxes?

20 A. I just made up a figure.

21 Q. One day about a month after you got released from prison
22 you went to see Glen Bitet in his tax office. Why did you go
23 see him that day?

24 A. I wanted to say hello to him plus he said he needed to
25 talk to me.

Ruggiano/Direct/Norris

1 Q. Did he tell you why he wanted to talk to you?

2 A. Not at first.

3 Q. Did he give you anything that day?

4 A. Yes, he did.

5 Q. What did he give you?

6 A. He said he had a coming home present for me. He went in
7 his bottom drawer and he gave me a Yankee watch.

8 Q. You used to go to Yankee games with him?

9 A. Yes, he used to go to Yankee games with me. I was
10 always the one that had the tickets.

11 Q. After you caught up, what did you and Glen Bitet
12 discuss?

13 A. We walked outside and he said I need to talk to you
14 about something. So I did said what is it. He said: I have
15 this thing going with some coop or condo board and I have a
16 lot of money coming to me and Charlie Conig is holding up my
17 money. So when I heard Charlie's name mentioned, I said to
18 him: Listen Glen, is this illegal or is it legal, legitimate
19 or is it illegal? He said: No, it's illegal. I said:
20 Listen, I just did eight years in prison and I'm not going
21 back to jail for having a conversation. So I said I said I
22 really don't want to get involved.

23 Q. He said he had a thing going on with a condo or coop
24 board, is that right?

25 A. Yes.

Ruggiano/Direct/Norris

1 Q. Did he explain what the thing was?

2 A. Yeah, I said: What are you talking about? He said I'm
3 getting money from the maintenance payments, something to do
4 with the maintenance payments.

5 Q. Did he explain why the defendant was holding things up?

6 A. He just told me Charlie is holding up my money. I said:
7 What do you mean? He said because he controls the board,
8 something to that effect, Charlie controls the board.

9 Q. Do you know where the defendant was at the time?

10 A. He was in prison.

11 Q. Where?

12 A. I believe he was in Fort Dix.

13 Q. What did Glen say to you after you told him that you
14 didn't want to get involved in something illegal?

15 A. He asked me if it was all right if Sal Pecchio helped
16 him.

17 Q. That was your associate?

18 A. Yes.

19 Q. Long time associate?

20 A. Yeah, I know him since I'm eight years old.

21 Q. And he knew Glen for a long time?

22 A. Since as long as I knew him.

23 Q. That were all in your father's crew?

24 A. Yes.

25 Q. When did you say to him when asked if it was okay if Sal

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1 Pecchio could help him?

2 A. I said: Why, Sal knows the situation, Sal knows what's
3 going on? He said: Yeah, Sal knows what's going on. I
4 said: Fine, ask him.

5 Q. Sal was an associate at that time?

6 A. Yes.

7 Q. Did you have an understanding as to why Glen Bitet came
8 to you for help with the defendant?

9 A. Yeah, because he was with us.

10 Q. Did he know what happened to you after you had gotten
11 out of prison?

12 A. Did he know what happened--I don't understand. Could
13 you repeat that.

14 Q. Was it common knowledge that you had been proposed?

15 A. Yeah, he knew.

16 MS. SHARKEY: Objection.

17 Q. How do you know did he know?

18 MS. SHARKEY: Objection.

19 THE COURT: Overruled.

20 A. Because he asked me when I was going to get straightened
21 out. I said: You heard? He said: Yeah, I heard. I said:
22 I don't know.

23 Q. Do you know whether Glen Bitet had ever tried to contact
24 you while you were still in prison about the matter?

25 A. Yes, he did.

Ruggiano/Direct/Norris

1 Q. What happened?

2 A. My wife told me Glen wanted to come up to see me, he
3 needed to talk to me. So it put him on my visiting list.
4 The day he was supposed to come, he never showed up.

5 Q. Did your wife tell you why not?

6 A. Yes.

7 Q. What did she tell you?

8 A. On his way driving up to the person, he smoked a joint
9 in the car. When he got to the prison, they had this drug
10 test at the prison where you had to put your hands in and it
11 picked up residue on your hands and if it came up positive,
12 they wouldn't let you in. When he saw people getting drug
13 tested, he walked out, got in his car and he came back to the
14 neighborhood.

15 Q. About how long before you got released from prison did
16 that happen?

17 A. A month or two.

18 Q. When you saw Glen Bitet at his tax office that day after
19 you were released, did that attempted visit come up?

20 A. Yes.

21 Q. What did he say?

22 A. No, I told him: What are you kidding? You're still
23 smoking pot? You're 50 years old. When does it end? He
24 laughed, gave me like a chuckle.

25 Q. Did there come a time when you had a conversation with

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1 someone else about this condo or co-op, the scam that the
2 defendant was involved in?

3 A. Yes.

4 Q. Who did you have that conversation with?

5 A. With Sal Pecchio.

6 Q. How long after the conversation with Glen did you have
7 that conversation?

8 A. A while after.

9 Q. Approximately how many months?

10 A. It was when I get out of the halfway house, at least
11 five months later.

12 Q. We're now into 2005?

13 A. Yes.

14 Q. And where did you go to see Sal?

15 A. When I finished with the halfway house and I went on
16 supervised release, I had --his mother lived around the
17 corner from my brother, so I went to my brother's house and I
18 parked my car and I went through the yards and the alleyways,
19 so if my parole officer was following me, he wouldn't see me.
20 And I went through the yards and the alleyways because I knew
21 the way from childhood and I got into his mother's backyard
22 and I went in her basement door and he was waiting for me in
23 his mother's house.

24 Q. What did you say to Sal when you say him?

25 MS. SHARKEY: Objection.

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1 THE COURT: I'll allow it.

2 A. At the end of the conversation, I said: Are you helping
3 Glen? He goes: Yeah. I said: Make sure you don't rob him.
4 Make sure you do the right thing.

5 Q. Why did you say that?

6 A. Because Sal was a little bit of a beat artist.

7 Q. What did Sal say when you said that?

8 A. He said: No, I'm going to help him. I'll take care of
9 it. I'm on top of it.

10 Q. Did there come a time you that you had another
11 conversation with Glen Bitet about the scam?

12 A. Yes.

13 Q. When?

14 A. A few months after that.

15 Q. After you saw Sal?

16 A. Yes.

17 Q. What did you and Glen Bitet discuss on that occasion?

18 A. I went to see him and to say hello and everything and I
19 just asked him, I said: Is Sal doing the right thing? He
20 goes: Yeah, Sal is doing the right thing, he is trying hard.
21 I said: Good.

22 Q. Did Glen tell you anything else about what was happening
23 at that time?

24 A. Yeah, he told me that Mike DeVito had come to him and
25 told him that him his guys --the Luchese Family were willing

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1 to help him too but he told Mike DeVito that Sal was taking
2 care of it at that point.

3 Q. Mike DeVito, that was the person that used to be in the
4 Gambino Family who had introduced you and Glen Bitet?

5 MS. SHARKEY: Objection as to leading.

6 THE COURT: I'll allow it.

7 A. Yes, it is.

8 THE COURT: Whenever you reach a convenient point,
9 please break.

10 MR. NORRIS: Sorry, sir?

11 THE COURT: Whenever you have reached a convenient
12 point, we'll break.

13 MR. NORRIS: Just a couple more minutes and we are
14 done with this section.

15 THE COURT: All right.

16 Q. What was your understanding--withdrawn.

17 You said that Mike DeVito --you said that Sal said that
18 Mike DeVito and his friend were offering to help Glen Bitet,
19 is that right?

20 A. Correct.

21 Q. What did you understand Sal to mean by Mike DeVito and
22 his friend?

23 A. That Glen meant?

24 Q. What did you understand friend to mean?

25 A. A wiseguy.

Ruggiano/Direct/Norris

1 Q. A wiseguy?

2 MS. SHARKEY: Objection.

3 THE COURT: Overruled.

4 A. A wiseguy.

5 Q. In the Luchese Family?

6 A. Correct.

7 Q. When did you say to Sal when he told you that Mike
8 DeVito might be getting involved as well?

9 A. I never said anything to Sal about it.

10 Q. Were you happy that Glen kept telling you about what was
11 going on?

12 A. Not really. I thought --at one point I thought he had a
13 wire on. I wanted to rip his shirt off. I said I don't want
14 to get involved. It's illegal. I don't care. Do whatever
15 you want. He said but I'm with yous. I want to make sure
16 you know what is going on. I just started getting a little
17 paranoid about the whole situation, you know.

18 Q. Did you ever have another conversation with Glen Bitet
19 in his tax office?

20 A. Yes, I did.

21 Q. What happened in that conversation?

22 A. Charles was getting ready to come out of prison and I
23 went to his office. And he said: Listen, Charlie is getting
24 ready to come home and Sal can't go any further with it. Sal
25 can't sit down with Charlie when he gets out and would you

Ruggiano/Direct/Norris

1 please get involved with a sit-down with Charlie and get me
2 my money.

3 Q. Did you have an understanding why Sal Pecchio couldn't
4 sit down with Charlie?

5 A. Because he wasn't a wiseguy and he wasn't proposed and
6 he knew that --and Glen knew that Charlie really didn't like
7 Sal.

8 Q. And he knew that the defendant was a made guy in the
9 Gambino Family?

10 A. Correct.

11 Q. Is there any other reason--withdrawn.

12 You testified earlier that there had been some bad blood
13 between the defendant and Sal Pecchio, is that right?

14 A. Yes.

15 Q. Again remind the jury what that went back to?

16 A. A fight behind Pizza City.

17 Q. What did you tell Glen when he told this to you?

18 A. I told him I'm not going to get involved. And then
19 after I told him I wasn't going to get involved, he said:
20 Listen, is it all right if Mike DeVito and his friend help
21 me? I said: Glen, if they can help you, it's fine with me.
22 Go right ahead.

23 Q. Did you have a subsequent conversation with Glen Bitet
24 about the scam?

25 A. Yes, I did.

Ruggiano/Direct/Norris

1 Q. What happened?

2 A. I asked him when Charlie get out --after Charles got
3 out, I asked him what happened. He goes: Everything is
4 taken care of, I got my money.

5 Q. He said he got his money?

6 A. Yeah, that Mike DeVito and his friend straightened it
7 out for him. I said good.

8 Q. Did he explain to you how he had gotten his money?

9 A. No, he just said it was take care of and he got his
10 money and it was okay. I really didn't question him because
11 I really didn't want to know about it.

12 Q. This is after the defendant got out of jail?

13 A. Yes.

14 Q. Just to be clear for the jury, what was your
15 understanding throughout all of these series of conversations
16 with Glen Bitet as to the help that he was trying to get from
17 you?

18 MS. SHARKEY: Objection.

19 THE COURT: I'll allow it.

20 A. He was trying to get my help to get his money.

21 Q. From who?

22 A. From Charles. Charles was holding up his money. He
23 kept telling me that repeatedly, that Charlie is holding up
24 my money; Charlie is holding up the whole deal.

25 There was one point he told me that Charles sent word

Ruggiano/Direct/Norris

1 out of jail right before he came home. He sent word out of
2 the prison that nobody should do nothing until he got out.

3 Q. And in the series of conversations you had with Glen
4 Bitet, your testimony was that once the defendant got out of
5 jail --?

6 A. It got cleared up.

7 Q. The problem was resolved and Glen got his money?

8 A. Correct.

9 Q. That last conversation with Glen Bitet, did you discuss
10 anything else?

11 A. Yeah, tickets for a fight, to go to a fight.

12 Q. Did he get tickets?

13 A. He got me two tickets, yeah.

14 Q. Did you go?

15 A. No, I never made it.

16 Q. Why not?

17 A. I was arrested.

18 MR. NORRIS: Okay, judge, we can break.

19 THE COURT: We'll take an hour, please, 25 to 2:00.

20 (Jury out at 12:35 p.m.)

21 THE COURT: Thank you, everybody.

22 25 to 2:00.

23 (Luncheon recess.)

24 (Continued on next page.)

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1 (Whereupon, the afternoon session began at
2 1:35 p.m.)

3 THE COURT: Yes?

4 MR. FARBER: The defense has reconsidered the
5 original application made this morning concerning the
6 alternate transcript and we are not going to seek to put it
7 as an alternate transcript before the jury.

8 THE COURT: Thank you.

9 (Jury in at 1:40 p.m.)

10 THE COURT: Be seated, please.

11 The jurors, tomorrow one of the jurors has an
12 official appointment early in the morning, so be here at
13 10:00 instead of 9:30, please.

14 And we have to break a few minutes early at lunch
15 because I have an official problem. So we'll break at
16 12:15 and if you can, we'll sit through without a break but
17 if you need a break in the morning, we'll give it to you.

18 Proceed.

19 DIRECT EXAMINATION (Continued) BY MR. NORRIS: HEADER

20 Q. I'd like to show you some additional paragraphs.

21 I'm showing you Government's Exhibit 2 RR.

22 Who is that?

23 A. That looks like Aniello when he was younger.

24 Q. What is his first name?

25 A. Aniello Dellacroce.

Ruggiano/Direct/Norris

1 Q. What was the highest position in the Gambino Family he
2 attained?

3 A. Underboss.

4 Q. I'm showing you what is in evidence as 2P. Government's
5 Exhibit 2 P, who is that?

6 A. John Gotti.

7 Q. Senior?

8 A. Yes.

9 Q. What is the highest position he attained in the family?

10 A. Boss.

11 Q. I'm showing you what is in evidence as Government's
12 Exhibit 2 Q.

13 Who is that?

14 A. Pete Gotti.

15 Q. John Gotti's brother?

16 A. Yes.

17 Q. What is the highest position he attained in the family?

18 A. Boss.

19 Q. I'm showing you what is in evidence as Government's
20 Exhibit 2 O.

21 Who is that?

22 A. John Gotti, Jr.

23 Q. What is the highest position in the family he attained?

24 A. Captain.

25 Q. I'm showing you what is in evidence as Government's

Ruggiano/Direct/Norris

1 Exhibit 2 J.

2 Who is that?

3 A. Mikey Scars.

4 Q. What is his full name?

5 A. Michael DiLeonardo, I think something like that.

6 Q. What is the highest position he attained in the family?

7 A. Captain.

8 Q. I'm showing you what is in evidence as Government's

9 Exhibit 2 M.

10 Who is that?

11 A. Franky Pappiano, something with a P.

12 Q. What is the highest position he attained in the Gambino
13 Family?

14 A. Soldier.

15 Q. I'm showing you what is in evidence as Government's

16 Exhibit 2 SSS.

17 Who is that?

18 A. Joe Watts.

19 Q. What is the highest position he attained in the family?

20 A. Associate.

21 Q. Did Joe Watts become a soldier?

22 A. No, he is not Italian.

23 Q. I'm showing you what is in evidence as Government's

24 Exhibit 2 OOO.

25 Who is that?

Ruggiano/Direct/Norris

1 A. Franky Russo, Jr.

2 Q. What position did he obtain in the family?

3 A. He is an associate.

4 Q. Are you aware whether he owns any businesses?

5 A. He does.

6 Q. What businesses?

7 A. He owns Russo's On The Bay and a few restaurants, pasta
8 restaurants and Carousels, across the street from Russo's On
9 The Bay.

10 Q. Carosella's?

11 A. Yes.

12 Q. I'm showing you what is in evidence as Government
13 Exhibit 2 III.

14 Who is that?

15 A. Johnny Burke.

16 Q. What is the highest position he attained?

17 A. He is an associate.

18 Q. I'm showing you what is in evidence as Government's
19 Exhibit 2 EE.

20 Who is that?

21 A. Johnny Alite.

22 Q. What is the highest position?

23 A. Associate.

24 Q. I'm showing you what is in evidence as Government's
25 Exhibit 2 W.

Ruggiano/Direct/Norris

1 Who is that?

2 A. That's me.

3 Q. While you were out on the, did you have a telephone
4 book?

5 A. Yes, I did.

6 Q. More than one?

7 A. Yes, I did.

8 Q. Did you use them to keep telephone numbers?

9 A. Yes, I did.

10 Q. Whose numbers?

11 A. Friends, associates.

12 Q. People in organized crime?

13 A. Yes.

14 Q. How did you refer to your friends and associates in the
15 book usually?

16 A. By their names, by their nicknames, by a code name.

17 Q. Did you use their first or last name?

18 A. Always their first name.

19 Q. After you started cooperating with the government, what
20 did you do with the address books?

21 A. Turned them over to the United States Attorney's Office.

22 Q. I'm showing you what has been marked for identification
23 as Government's Exhibit 316 A and 316 B.

24 Do you recognize those?

25 A. Those are my two phone books.

Ruggiano/Direct/Norris

1 MR. NORRIS: We offer them.

2 THE COURT: Admitted.

3 (So marked in evidence as Government's Exhibit 316A,
4 316B.)

5 MR. NORRIS: May I publish them to the jury?

6 THE COURT: You may.

7 Q. At what timeframe did you use these books?

8 A. In the '80s and '90s.

9 Q. I'll put on the projector Government's Exhibit 316 A.

10 On the inside cover near the bottom is the name Seymour.

11 Can you see that?

12 A. I really can't see it.

13 Can I get up and walk to the side over there?

14 Okay.

15 MR. BURLINGAME: Judge, there is a screen for the
16 witness.

17 THE WITNESS: I can see now.

18 Q. Near the bottom on the inside cover on the left, do you
19 see that name Seymour?

20 A. Yes.

21 Q. The phone number?

22 A. Right.

23 Q. Who is Seymour?

24 A. That was Nicky Corozzo's code name.

25 Q. That was the captain?

Ruggiano/Direct/Norris

1 A. At that time --he wasn't my captain, no.

2 Q. He was a captain?

3 A. He was a captain, right.

4 Q. Also on the inside cover there is the name Fat Ronnie?

5 A. Yes, that was Ronnie Ferrari. That was the bookmaker.

6 Q. Turning to the A B page, on the left is the name at the
7 top Bobby Jew. Then near the bottom, third from the bottom
8 the name shows up again. Do you see that?

9 A. Yes.

10 Q. Who is that?

11 A. He is a soldier in the Gambino Family. We used to call
12 him Bobby the Jew. It was his nickname but he was Italian.
13 I really don't remember his last name.

14 Q. About five lines down there is a name brother and phone
15 number?

16 A. Yes.

17 Q. Do you see that?

18 A. Yes.

19 Q. Who is brother?

20 A. A soldier in the Gambino Family.

21 Q. What was his real name?

22 A. His first name is Louis.

23 Q. Second line from the bottom Billy Vic. Do you see that?

24 A. That is Billy Victor, associate with John Gotti.

25 Q. Friend of the defendant?

Ruggiano/Direct/Norris

1 A. Yes, friends of the defendant.

2 Q. Turning to the C-D page, there is an entry about
3 two-thirds of the way through for Dom club.

4 Do you see that?

5 A. Yes, I do.

6 Q. What does that mean?

7 A. That's Cafe Liberty. That's when Dominic took over the
8 club. I just put Dom's club in there.

9 Q. Which Dom?

10 A. Dominic Pizzonia, Skinny Dom.

11 Q. What is the position?

12 A. Captain.

13 Q. He was the guy who shot your brother-in-law?

14 A. Correct.

15 Q. At Cafe Liberty?

16 A. At Cafe Liberty.

17 Q. A little further down is the name Cookie. Do you know
18 who that is?

19 A. I think that might be Cookie that owned the bar with
20 Ciril Perrone.

21 Q. Below that there is a Carmine.

22 Do you know who that is?

23 A. It may be Carmine the Bull. That might be his number in
24 Jamaica.

25 Q. Do you know his real name?

Ruggiano/Direct/Norris

1 A. Carmine Agnello.

2 Q. Turning the page, the top left, Carl. Do you see that?

3 A. That is Carl Amato's number when he moved out to Long
4 Island.

5 Q. Carl Amato, the person that told you that the defendant
6 killed Michael at the Blue Fountain Diner?

7 A. Yes.

8 Q. Under his name there is a Donna. Do you know who that
9 is?

10 A. I only knew two Donnas. That may have been Donna
11 Cavacante's number or this other girl Donna Rosada's number.
12 I'm not sure which one that is. I don't remember.

13 Q. Skipping to the G-H page, the name at the bottom is
14 Glen.

15 Do you see that?

16 A. Yes.

17 Q. Do you know who that is?

18 A. Yeah, that's Glen Bitet's number.

19 Q. The person who asked you for help getting money from the
20 defendant relating to that condo or co-op board scam?

21 A. Yes.

22 Q. Turning to the I-J page, very bottom. Do you see the
23 name there JoJo lawyer?

24 A. Right.

25 Q. Do you know who that is?

Ruggiano/Direct/Norris

1 A. That is Joseph Corozzo' cell number, the attorney.

2 Q. That is the attorney, the son of JoJo Corozzo, the
3 consiglieri?

4 A. Yes.

5 Q. He is the one that spoke to you about making false
6 statements to the judge in Florida when you were sentenced?

7 A. Yes.

8 Q. Above JoJo, it says Johnny Bino. Do you know who that
9 is?

10 A. He is a soldier in the Gambino Family.

11 Q. Do you know his real last name?

12 A. I can't remember.

13 Q. Turning to the K-L page. About four from the bottom
14 there is a Lenny D. Do you know who that is?

15 A. That is Lenny DiMaria.

16 Q. Captain in the Gambino Family?

17 A. Yes.

18 Q. Partners with Nicky Corozzo?

19 A. Yes.

20 Q. On the next page there is a number of listings for the
21 name followed by N A. Do you see that?

22 A. Yes.

23 Q. Do you know what that indicates?

24 A. Those are my friends from Narcotics Anonymous. Those
25 are people that go to the meetings. I used to put N A next

Ruggiano/Direct/Norris

1 to the name so I could differentiate them from regular
2 people.

3 Q. Turning to the M-N page, about a third of the way down
4 Mikey Gail. Do you see that?

5 A. Yes.

6 Q. Who is that?

7 A. That is Mikey Gal.

8 Q. Who is he?

9 A. A soldier in the Gambino Family. Tony's brother.

10 Q. Four or five from the bottom there is a Nikey. Do you
11 see that?

12 A. Yes.

13 Q. What does it say after the number?

14 A. It says beep.

15 Q. What is that?

16 A. That was a beeper number. It might have been --I think
17 it may have been Nicky Corozzo' beeper number.

18 Q. Sometimes you called him by his code name, sometimes by
19 the real name?

20 A. Yes.

21 Q. Turning to the O-P page. There is a listing third from
22 the bottom of Pete club.

23 Do you see that?

24 A. Yes.

25 Q. What is that?

Ruggiano/Direct/Norris

1 A. That is the Bergen Hunt and Fish Club. That was the
2 phone number there.

3 Q. Who is Pete?

4 A. Pete Gotti.

5 Q. Who was he at the time?

6 A. At the time I put the number there, he was a captain, my
7 father's captain.

8 Q. What did he later become?

9 A. The boss.

10 Q. On the Q-R page there is a listing for Russo On Bay, do
11 you see that?

12 A. Yes.

13 Q. Is that the same Russo's On The Bay that was owned by
14 Frank Russo, the associate?

15 A. Yes.

16 Q. The person also who owned Carosella?

17 A. Yes.

18 Q. Further down there is a Ronnie Arm?

19 A. Right.

20 Q. Do you see that?

21 A. Yes.

22 Q. Do you know who that is?

23 A. It's Ronnie One Arm.

24 Q. Who is that?

25 A. He is a captain in the Gambino Family.

Ruggiano/Direct/Norris

1 Q. Do you know his real last name?

2 A. Ronald Trucchio.

3 Q. Turning to the S-T page. Four from the bottom there is
4 a Sal P, do you see that?

5 A. Yes.

6 Q. Who is that?

7 A. Sal Pecchio.

8 Q. Same person that got involved in a scam relating to the
9 defendant?

10 A. Yes, it is.

11 Q. The person you have known since the 1970s?

12 A. No, I knew Sal since 1963. I met him in the fourth
13 grade.

14 Q. Turning to the back, there are a number of business
15 cards. Goody's of Lindenwood Shop?

16 A. That was the clothing store in Lindenwood in the
17 shopping center where everyone used to shop in.

18 Q. There is a card for Tony Royal Quality Cars?

19 A. Yes.

20 Q. Do you know who that is?

21 A. He was around my father. He owned a car lot on Atlantic
22 and Sheridan.

23 Q. There is a card for Tax Prep Services. Do you see that?

24 A. Yes.

25 Q. Who is the owner of that?

Ruggiano/Direct/Norris

1 A. That was Glen and his father and his brothers' company,
2 Glen Bitet.

3 Q. That is the place where you went to talk to him about
4 the scam where he didn't get any money from the defendant?

5 A. I believe so. That might have been his old address.
6 I'm not sure if that's the old address or the new address
7 because both of his offices were on Cross Bay Boulevard.

8 Q. The same Glen Bitet?

9 A. Yes.

10 Q. Briefly showing you Government's Exhibit 316 B. This is
11 your address book?

12 A. Yes.

13 Q. Turning to the E-F page, there is a listing for Fred
14 Hot. Do you see that?

15 A. Yes.

16 Q. Who is Fred Hot?

17 A. That is Freddy DeCongilio.

18 Q. The same person who told you that he was upset that the
19 defendant killed Michael in front of his daughter at the Blue
20 Fountain Diner?

21 A. Yes, it is.

22 Q. Turning to the I-J page. There is a listing near the
23 top for John B. Do you see that?

24 A. Yes.

25 Q. Do you know who that is?

Ruggiano/Direct/Norris

1 A. Johnny Burke.

2 Q. Is he in the Gambino Family?

3 A. Yes.

4 Q. Turning to the M-N page, there is a listing for a Nunzi.
5 Do you see that?

6 A. Yes.

7 Q. Who is that again?

8 A. That is Michael Napolitano.

9 Q. That is the person you spoke with about straightening
10 out in the family while you were in jail in 2004?

11 A. Yes.

12 Q. At the bottom there is an N C in pencil. Do you see
13 that?

14 A. Yes.

15 Q. Who is that?

16 A. It may have been another number for Nicky Corozzo. I'm
17 not sure. I don't really remember whose number that is.

18 Q. Turning to the Q-R page, there is a number for Robert at
19 the bottom. Do you see that?

20 A. Yes.

21 Q. Who is that?

22 A. That's either Carl Amato's brother Robert or Robert
23 Engel. I'm not sure which Robert that is.

24 Q. Turning to the T-R page, two-thirds of the way down, a
25 listing for Tony Lee. Do you see that?

Ruggiano/Direct/Norris

1 A. Yes.

2 Q. Who is that?

3 A. That's Tony Lee, Anthony Guerreri.

4 Q. Your father's partner?

5 A. Yes.

6 Q. Halfway through the page there is a listing for Big
7 Tommy. Do you see that?

8 A. Yes.

9 Q. Who is Big Tommy?

10 A. The person I worked for in the number office in the late
11 '80s and early '90s until I went to prison.

12 Q. Going back for a moment to Government's Exhibit 316 A.
13 On the Q-R page, 3 from the bottom there is a Robert Eng, do
14 you see that?

15 A. Yes.

16 Q. Who is that?

17 A. That is Robert Engel's number in Florida. It's a 305
18 area code. That was when he moved to Florida, that was his
19 name.

20 Q. The same person that wanted to kill the defendant for
21 killing Michael?

22 A. Yes, it is.

23 Q. In addition to these address books did you give the
24 government any photographs?

25 A. Yes, I did.

Ruggiano/Direct/Norris

1 Q. I'm showing you what has been marked for identification
2 as Government's Exhibit 23.

3 Do you recognize this?

4 A. Yes, I do.

5 Q. What is it?

6 A. Those are photos, family photos from two different
7 weddings my parents attended.

8 Q. Where do these photographs come from?

9 A. Family picture albums.

10 MR. NORRIS: We offer it.

11 THE COURT: Admitted.

12 MS. SHARKEY: Can I see?

13 Thank you.

14 Q. Can you see it from where you are sitting?

15 A. I can't see it at all.

16 MR. NORRIS: Can I give the witness a smaller copy
17 of the photograph?

18 THE COURT: You may.

19 They are both admitted 261 and 262.

20 MR. NORRIS: This is also government's Exhibit 23.

21 THE COURT: You are giving him 23?

22 MR. NORRIS: This is Government's Exhibit 23, what
23 is called the board A and this is Government's Exhibit 23 B.

24 THE COURT: 23 A and B now.

25 MR. NORRIS: Yes.

Ruggiano/Direct/Norris

1 THE COURT: Admitted.

2 (So marked in evidence Government's Exhibit 23A,
3 23B.)

4 Q. With the top left photograph, can you explain to the
5 jury who is in that photograph starting from all the way at
6 the left?

7 A. The person standing next to my father Joe Bizzone.

8 Q. The shortest person there?

9 A. Right.

10 Q. And your father is which individual?

11 A. The one standing next to him.

12 The fellow behind him, I don't remember his name. The
13 guy with the glasses standing directly behind Joe and my
14 father, I don't remember his name.

15 Q. Standing in the middle?

16 A. Neil Dellacroce.

17 Q. The underboss of the family?

18 A. Yes.

19 Standing next to him is Mike Talli.

20 Q. Who is that?

21 A. He was a captain at the time. And standing next to him
22 is Tony Lee.

23 Q. Tony Lee Guerreri?

24 A. Yes.

25 Q. Who are the other two individuals?

Ruggiano/Direct/Norris

1 A. The other guy standing next to Tony is Charlie West and
2 the other guy is Mike D we used to call him. His name is
3 Michael.

4 Q. Who is Charlie West?

5 A. He was the soldier in the Gambino Family.

6 Q. And Mike D?

7 A. He was a soldier also in the Gambino Family.

8 Q. Now, Joe Bizzone is that the same Joe Bizzone that your
9 father told you he committed a murder with?

10 A. Yes, it is.

11 Q. Do you know where these photographs come from?

12 A. My mother gave them to me.

13 Q. Do you know where they were taken?

14 A. At a wedding in the '70s I would assume. I don't have
15 no idea what wedding they were at. I wasn't there.

16 Q. Mike D, the individual on the right?

17 A. Yes.

18 Q. Do you know where he lived?

19 A. Yeah, he lived upstairs.

20 THE COURT: What board are you pointing to?

21 MR. NORRIS: Government's Exhibit 23 A, the
22 photograph to the left.

23 Q. These reflect pages out of the picture album?

24 A. Photos of a picture album, yes.

25 Q. The top left hand photograph, the individual all the way

Ruggiano/Direct/Norris

1 on the right of the photo is Mike D?

2 A. Correct.

3 Q. Do you know where he lived?

4 A. Upstairs from the Ravenite on Mulberry Street.

5 Q. The Ravenite is on Mulberry Street?

6 A. Yes. He used to be the coffee man before he got
7 straightened out.

8 Q. The Ravenite was John Gotti's social club?

9 A. At that time it was Aniello's social club.

10 Q. Later on it became John Gotti's?

11 A. Yes.

12 Q. Did you ever learn what happened at his apartment?

13 A. After he passed away, that's where John used to go
14 upstairs and have his meetings, when his wife used to live
15 there.

16 Q. Did you ever learn what happened related to that
17 apartment?

18 A. Yeah, the FBI --.

19 MS. SHARKEY: Objection.

20 THE COURT: You may answer.

21 A. The FBI put a bug in there and John eventually got
22 arrested with Sammy The Bull and Franky Lo.

23 Q. How did you find out?

24 A. After they got arrested, everybody found out.

25 Q. The photo below that, on the left-hand side of the page,

Ruggiano/Direct/Norris

1 the middle photograph starting at the left, who is that?

2 A. Lenny DiMaria.

3 Q. And that's one of the individuals that attended the
4 sit-down relating to the defendant's stabbing of Michael?

5 A. Yes.

6 Q. Seated next to him?

7 A. That is my father.

8 Q. Seated next to him?

9 A. My mother.

10 Q. And next to him?

11 A. Next to her, Tony Lee. And then Tony Lee's wife Helen.

12 Q. The photograph on the bottom at the left, who is the
13 individual on the far left?

14 A. My father.

15 Q. Next to him?

16 A. Aniello.

17 Q. Neil Dellacroce?

18 A. Right.

19 Q. Who is this?

20 A. Mike Talli and Tony Lee.

21 Q. On the right side of Government's Exhibit 23 A, top
22 photograph on the left?

23 A. That's Lenny DiMaria again.

24 Q. Next to him?

25 A. My father and my mother.

Ruggiano/Direct/Norris

1 Q. At the bottom of the page, the bottom photograph, who is
2 on the left?

3 A. Freddy DeCongilio.

4 Q. Next to him?

5 A. My father.

6 Q. Next to him?

7 A. JoJo Corozzo.

8 Q. JoJo Corozzo, the lawyer or?

9 A. No, the consigliere. Tony Lee.

10 Q. Next to him?

11 A. Lenny DiMaria.

12 Q. Do you know the individual on the bottom?

13 A. Yes.

14 Q. Who is that?

15 A. Nunzi, Michael Napolitano.

16 Q. And the photograph in the middle, who is that with the
17 chimpanzee?

18 A. That is my father.

19 Q. I'm showing you what has been marked for identification
20 as Government's Exhibit 24.

21 Do you recognize that?

22 A. Yes, I do.

23 Q. That is another one of the photographs that you gave the
24 government?

25 A. Yes, it is.

Ruggiano/Direct/Norris

1 Q. Who is depicted in this photograph?

2 A. Me and Tony Lee.

3 MR. NORRIS: We offer it.

4 THE COURT: Admitted.

5 (So marked in evidence as Government's Exhibit 24.)

6 Q. How old are you in this photograph?

7 A. Oh, 11 or 12.

8 Q. Explain to the jury what the occasion was that you came
9 to be having pictures taken of you with Tony Lee?

10 A. It was my confirmation.

11 Q. What was Tony Lee's role?

12 A. He confirmed me, stood up for me at confirmation.

13 Q. What does that make him?

14 A. My godfather.

15 Q. I'm showing you what has been marked for identification
16 as Government's Exhibit 315 and 315 A.

17 Do you recognize these?

18 A. Yes.

19 Q. What is Government's Exhibit 315?

20 A. It's a copy of my sister Francine's christening tape.

21 Q. And did you give that DVD to the government after you
22 began cooperating?

23 A. Yes, I did.

24 Q. Prior to trial, have you watched the video?

25 A. Yes, I have.

Ruggiano/Direct/Norris

1 Q. And have you watched an excerpt of it as well?

2 A. Yes, I have.

3 Q. And what is in Government's Exhibit 315 A, is that that
4 excerpt?

5 A. Yes, it is.

6 Q. What year was the christening?

7 A. 1960.

8 Q. I assume the christening wasn't recorded onto a DVD at
9 the beginning?

10 A. No, it was 8-millimeter. Then I had it converted to VHS
11 when that came out in the '80s or '70s. Then I had it
12 reconverted again to DVD when DVDs came out.

13 Q. Did you do anything else to the original?

14 A. I put music to it.

15 Q. What music?

16 A. 'Summer Wind' by Frank Sinatra.

17 MR. NORRIS: We offer them.

18 THE COURT: This is number?

19 MR. NORRIS: 315 and 315 A.

20 THE COURT: You are adding 315 A to your list?

21 MR. NORRIS: Yes, your Honor.

22 THE COURT: All right, they are admitted.

23 (So marked in evidence Government's Exhibit 315,
24 315A.)

25 Q. The excerpt itself, does that excerpt have the audio as

Ruggiano/Direct/Norris

1 well?

2 A. The music?

3 Q. Yes.

4 A. No.

5 Q. Again, this is your sister's christening, correct?

6 A. Correct.

7 Q. In 1960?

8 A. Yes.

9 Q. How old were you at the time?

10 A. I was almost seven years old. It was a couple of months
11 before my seventh birthday.

12 Q. Where was the christening held?

13 A. At my, in my grandmother's backyard and basement in
14 Brooklyn, my father's mother.

15 Q. And do you recall who attended?

16 A. Yes.

17 Q. Who?

18 A. My family. Nicky was there. Tony Pep was there. Mikey
19 Gal was there. Willie Boy Johnson was there. Dominic was
20 there. Freddy Hot was there. Everybody. They were all
21 there.

22 Q. I'd just like to play a brief video for the jury.

23 THE COURT: You may.

24 Q. As it goes, sir, can you--I'm just going to play it
25 once.

Ruggiano/Direct/Norris

1 Could you tell the jury who is depicted in the video and
2 the number of people in it. Tell the jury what they are
3 doing.

4 A. That is my father clapping. That is Willie Boy Johnson
5 clapping. They were listening to a group called the Barry
6 Boy Trio.

7 Q. I'm going to play it again.

8 Who is that?

9 A. Me and my mother and sister getting put in the baby
10 carriage.

11 That is Nicky Corozzo.

12 There's Nicky again lighting a cigarette. He smoked
13 back then. That's my father with the white shirt on.
14 There's my father again with the white shirt on.

15 Q. This individual?

16 A. Right. That's Tony Pep. There is Mikey Gal.

17 Q. Tony Lee's brother?

18 A. Right.

19 There is Nicky again running his nose. There is Mikey
20 again. Willie Boy Johnson is there. That's my father again
21 with the white shirt on talking to his friends right there.
22 That's Mikey again. That's Freddy Hot and Nicky counting out
23 money I guess to put in the envelope. Rudy Greco. There's
24 Mikey Gal again. That's Tony Pep. That's my father
25 clapping. Willie Boy Johnson behind him. That's Mikey

Ruggiano/Direct/Norris

1 again, Rudy, my uncle Joe. That's Tony Lee Guerreri just
2 passed. That's it.

3 Q. Tony Pep, who is that?

4 A. A soldier in the Gambino Family. Anthony Trentacosta
5 his name was.

6 Q. You mentioned another term also, putting money in an
7 envelope?

8 A. Right.

9 Q. What did you mean by that?

10 A. I guess being they were counting out money, they were
11 making up an envelope for my sister, the christening. They
12 were probably maybe going partners on an envelope. I'm just
13 assuming that's what they were doing.

14 Q. You testified that you were released from prison on
15 August 31, 2004, correct?

16 A. Yes.

17 Q. After you were released, were you charged again?

18 A. Yes.

19 Q. When?

20 A. I got arrested June. I think it was June 2 of 2006.

21 Q. That was shortly after that conversation you had with
22 Glen Bitet when you got the boxing tickets from him and he
23 told you that he got paid from the defendant, correct?

24 A. Yes.

25 Q. When you got arrested that time, did you make a decision

Ruggiano/Direct/Norris

1 how to proceed with the case?

2 A. Yes, I did.

3 Q. What decision did you make?

4 A. I decided to cooperate with the government.

5 Q. Why?

6 A. Because I didn't want to spend the rest of my life in
7 prison and I couldn't go on. I couldn't do it anymore. I
8 had enough.

9 Q. What did you do as a consequence?

10 A. I contacted the FBI.

11 Q. When?

12 A. I think October of '06.

13 Q. About four or five months after you were arrested?

14 A. Yes.

15 Q. What had you been charged with in that case?

16 A. A murder and gambling.

17 Q. Which murder?

18 A. My brother-in-law Franky.

19 Q. How much time did you face in prison?

20 A. Life.

21 Q. Did you start to engage in proffer sessions?

22 A. Yes, I did.

23 Q. What type of location were you first proffered?

24 A. In hotels in Manhattan.

25 Q. Did you proceed to tell the government about the crimes

Ruggiano/Direct/Norris

1 you committed?

2 A. Yes, I did.

3 Q. And did that include crimes beyond the ones you've been
4 charged with?

5 A. Yes, it did.

6 Q. In addition to talking about your crimes, have you told
7 the government about the crimes that other people committed?

8 A. Yes, I did.

9 Q. People in the Gambino Family?

10 A. Yes.

11 Q. People in other crime families?

12 A. Yes.

13 Q. Did agents and prosecutors ask you questions about the
14 information you provided?

15 A. Yes.

16 Q. Many times?

17 A. Yes.

18 Q. Over many years?

19 A. Yes.

20 Q. Do you continue today to be debriefed about different
21 matters?

22 A. Yes.

23 Q. By different prosecutors' offices?

24 A. Yes.

25 Q. By different FBI squads?

Ruggiano/Direct/Norris

1 A. Yes.

2 Q. At some point did the federal government relocate
3 certain of your family members?

4 A. Yes.

5 Q. Why?

6 A. For their safety.

7 Q. Were you previously in something known as the witness
8 security program?

9 A. Yes.

10 Q. Why?

11 A. For my safety and to get a new identity.

12 Q. Did you speak to me and to others before you testified
13 today?

14 A. Yes, I did.

15 Q. Did you speak with me several times?

16 A. Yes, I have.

17 Q. Did you go through the questions?

18 A. Yes, I have.

19 Q. Discuss cross-examination?

20 A. Yes, I did.

21 Q. Were you provided with any information about the case?

22 A. No.

23 Q. Were you shown any documents?

24 A. No.

25 Q. Were you shown any newspaper articles?

Ruggiano/Direct/Norris

1 A. No.

2 Q. Were you shown any physical evidence?

3 A. Outside of my pictures, no.

4 Q. Were you told who you would testify against?

5 A. No.

6 Q. Did you guess from the types of questions that we asked
7 you probably who it was you would be testifying against?

8 A. Yes, I did.

9 Q. In your cooperation agreement, what is the maximum
10 penalty you face?

11 A. .

12 Q. Can you be fined?

13 A. Yes.

14 Q. Who decides the fine?

15 A. The judge.

16 Q. Can you be required to pay restitution?

17 A. Yes.

18 Q. Who decides the restitution?

19 A. The judge.

20 Q. Do you know what your sentence will be?

21 A. I have no idea.

22 Q. Who decides your sentence?

23 A. The judge.

24 Q. What is your understanding of your obligations under
25 your cooperation agreement?

Ruggiano/Direct/Norris

1 A. That I have to tell the truth, that I have to--about
2 what I know, not commit any crimes, show up in court when I'm
3 asked to testify, answer questions when asked.

4 Q. What do you get if you comply with your cooperation
5 agreement?

6 A. I get a letter.

7 Q. What is the letter called?

8 A. I think it's a 5K1.

9 Q. What is your understanding of what a 5K one letter is?

10 A. It's a letter to the judge outlining the cooperation I
11 gave to the government.

12 Q. Does it set forth all the crimes you committed?

13 A. Yes.

14 Q. And all the assistance you provided after you
15 cooperated?

16 A. Yes.

17 Q. Does the government recommend a sentence in the 5K
18 letter?

19 A. No.

20 Q. Who decides the sentence after reviewing the 5K letter?

21 A. The judge.

22 Q. As you sit here today, do you have any idea how much
23 time you'll get when you are sentenced to prison?

24 A. I have no idea.

25 Q. What is your understanding of what happens if you lie?

Ruggiano/Cross/Sharkey

1 A. That I could get.

2 Q. Do you get to take your guilty plea back?

3 A. No.

4 MR. NORRIS: No further questions.

5 MS. SHARKEY: Your Honor.

6 THE COURT: Yes.

7 MS. SHARKEY: Could I ask that the screen and the
8 board be taken down?

9 THE COURT: Of course.

10 MS. SHARKEY: Thank you.

11 CROSS-EXAMINATION

12 BY MS. SHARKEY:

13 Q. Good afternoon, Mr. Ruggiano.

14 A. Good afternoon.

15 Q. You are 56 years old?

16 A. 55.

17 Q. I think you testified this morning that you never held
18 an honest job until after you were 50 years old?

19 A. When I was 50 years old.

20 Q. When you were 50 years old?

21 A. Yes.

22 Q. Are you employed now, sir?

23 A. No.

24 Q. And what was the last or only honest job you ever held?

25 A. I was a truck driver.

Ruggiano/Cross/Sharkey

1 Q. For who?

2 A. For a company out in Long Island, Island Acoustics.

3 Q. For Island Acoustics?

4 A. Yes.

5 Q. Was this when you were on supervised release after your
6 last bid?

7 A. Yes.

8 Q. So you only had an honest job to fulfill your supervised
9 release obligations, right?

10 A. Partly, yes.

11 Q. Aside from that, you never worked an honest day in your,
12 did you, Mr. Ruggiano?

13 A. Never.

14 Q. And in fact right now you are living off the good graces
15 of the United States of America, right?

16 A. I get money from the FBI.

17 Q. I'm sorry, I can't hear you.

18 A. I receive money from the FBI.

19 Q. In order to receive money from the FBI, you take their
20 phone calls, right?

21 A. I don't take their phone calls because of the money they
22 give me, I take their phone calls because that is part of my
23 cooperation agreement.

24 Q. You pled guilty to murder, right?

25 A. Yes, I did.

Ruggiano/Cross/Sharkey

1 Q. You are not in jail, are you?

2 A. No, I'm not.

3 Q. You are living free amongst us?

4 A. Yes, I am.

5 Q. Not working?

6 A. No. I can't go to work. I have to come and testify at
7 trials, so how can I hold down a job?

8 Q. And you have a very, very busy schedule, isn't that
9 right, Mr. Ruggiano?

10 A. Not really, no.

11 Q. I'm sorry?

12 A. No.

13 Q. You've been committing crimes since you were 14 or 15
14 years old, is that right?

15 A. Yes.

16 Q. You were born into this life?

17 A. Yes, I was.

18 Q. You are a natural, right?

19 A. I guess.

20 Q. Now, in your days when you were participating in these
21 crimes with your father and your friends and your family
22 members, you committed a lot of violence, right?

23 A. Some violence, yes.

24 Q. Some?

25 A. Yes.

Ruggiano/Cross/Sharkey

1 Q. Did you murder your brother-in-law?

2 A. Yes.

3 Q. Did you murder your sister's husband?

4 A. Yes, I did.

5 Q. Would you characterize that as some violence, sir?

6 A. It was violent.

7 Q. And you told a lot of lies, right?

8 A. Yes.

9 Q. And you've done numerous numerous jail bids, right?

10 A. Yes.

11 Q. I think you testified on direct examination that you
12 were arrested, correct me if I'm wrong, 15 times?

13 A. 12 to 15 times.

14 Q. Did you lose count?

15 A. Yes, I did.

16 Q. Now, the first time you did a bid you testified was in
17 1978, right?

18 A. Yes.

19 Q. And that was for a burglary, right?

20 A. Yes.

21 Q. How old were you in '78?

22 A. I was getting ready to turn 25. I just turned 25.

23 Q. You had been committing crimes for a decade but hadn't
24 been arrested once?

25 A. No, I was arrested. I just never went to prison.

Ruggiano/Cross/Sharkey

1 Q. Where did you do that bid in '78, Riker's Island?

2 A. No.

3 Q. Where?

4 A. The case was out of Nassau County so they didn't send us
5 to Riker's Island.

6 Q. Where did you do the bid, Mr. Ruggiano?

7 A. Sing-Sing, Danamora, Comstock, Elmira, Arthur Kill.

8 Q. All in two and a half years you hit five different
9 prisons, right?

10 A. Yes.

11 Q. Did you enjoy it?

12 A. It really didn't phase my back then.

13 Q. I didn't phase you one bit?

14 A. Not at all.

15 Q. Were you doing time with your friends?

16 A. In the beginning, we were, yes.

17 Q. Now, the second bid that you did in jail was in 1991?

18 A. Yes, July 2 of 1991 it started.

19 Q. And what was that for?

20 A. That was for working in a number business.

21 Q. Pardon?

22 A. For working in a number business.

23 Q. When you worked in the number business, you had a number
24 of different positions, right?

25 A. Yes, I did.

Ruggiano/Cross/Sharkey

1 Q. One was them was collecting out on the, correct?

2 A. Collecting money from our numbers spots.

3 Q. Also I think you testified this morning straightening
4 out any problems, right?

5 A. Yes.

6 Q. And sometimes those problems had to do with people not
7 paying their debt, right?

8 A. No.

9 Q. What kind of problems would you straighten out?

10 A. We would chase the crackheads and the drug dealers out
11 of the numbers spots in Jamaica, Queens.

12 Q. I'm sorry?

13 A. In Jamaica, Queens, we would chase --because the drug
14 dealers sometimes used to come in the numbers spots and hide
15 drugs behind the machines and we used to tell them not to do
16 that, to chase them out.

17 Q. Because it was bad for business?

18 A. Yes.

19 Q. You were tough enough to chase out the crackheads and
20 the drug dealers?

21 A. Yes, we were.

22 Q. Who did you do it with?

23 A. I did it with Carl Amato, Tommy Flash, sometimes Big
24 Tommy.

25 Q. Mr. Ruggiano, you testified that you were again

Ruggiano/Cross/Sharkey

1 incarcerated, and that was in 1996, right?

2 A. Yes, November of 1996.

3 Q. And you were incarcerated in '96 in Florida, right?

4 A. No, not in '96. They didn't take me to Florida until
5 the beginning of '97.

6 Q. So you were incarcerated in '96 first in New York,
7 right?

8 A. Yes.

9 Q. Was that at Riker's Island?

10 A. Yes.

11 Q. Did you enjoy that stay, sir?

12 A. No, that wasn't at Riker's Island. I'm sorry, in '91 I
13 was on Riker's Island. Then I went upstate from Riker's
14 Island. In '96 I was in the Queens House of Detention.

15 Q. How did you like the Queens House of Detention?

16 A. It was kind of dirty.

17 Q. You were transferred or you were brought to Florida
18 after your stay in Queens House, correct?

19 A. No, I went from the Queens House of Detention to Elmira
20 for reception. And then the marshals came and got me out of
21 Elmira in the beginning of '97 and transported me to MCC in
22 Miami.

23 Q. And the MCC is a federal holding lockup, right?

24 A. Yes.

25 Q. Then you did time in Miami, right?

Ruggiano/Cross/Sharkey

1 A. I stood in Miami for a year fighting my case, yes.

2 Q. On that 1997 case or that Miami case, you were sentenced
3 to almost nine years?

4 A. 112 months.

5 Q. And you did most of that time in Florida or New York,
6 Mr. Amato?

7 A. My name is not Mr. Amato.

8 Q. Did I call you Mr. Amato?

9 A. Yes.

10 Q. Forgive me, Mr. Ruggiano.

11 You did most of your time in Florida or New York?

12 A. What happened was I got sentenced on the federal case in
13 Florida and I had to go back to New York to finish my state
14 bid because I had four years with the state, bookmaking.

15 So they sent me back to Elmira. I was in Elmira. From
16 Elmira, they sent me to Attica. From Attica, after my state
17 sentence was completed, the marshals came and got me and took
18 me to Otisville. I stood in Otisville for a few weeks. Then
19 I got designated to Schuylkill in Pennsylvania. Then the
20 marshals took me from Otisville and brought me to Schuylkill
21 and I did five years at Schuylkill and then I was released.

22 Q. So it would be fair to say that in your various bids,
23 you were in approximately 10 to 12 to 13 different
24 institutions, is that right?

25 A. Between the state and the feds, yes.

Ruggiano/Cross/Sharkey

1 Q. Fair enough?

2 A. Sure.

3 Q. And you testified that after you got out on that bid and
4 you got out about 2004, right?

5 A. August--I know exactly what day it was because it was
6 Alice's birthday, my first wife's birthday. I got out August
7 31, '04.

8 Q. And you were arrested within two years?

9 A. Yes.

10 Q. And you were charged with murder, right?

11 A. Yes.

12 Q. Racketeering conspiracy?

13 A. Gambling, yes.

14 Q. Gambling, right?

15 A. Yes.

16 Q. And you just testified a few moments ago that you were
17 facing life in jail?

18 A. Yes.

19 Q. And you had enough, right?

20 A. Yes.

21 Q. And you reached out to the FBI and presented yourself as
22 a cooperating witness, right?

23 A. Yes.

24 Q. And that was to get out from under, right?

25 A. Yes.

Ruggiano/Cross/Sharkey

1 Q. And you are out of jail right now, right?

2 A. Yes.

3 Q. When were you released from jail?

4 A. I was released on June 12, I got out on bail and put
5 under home confinement.

6 Q. And you haven't been back since, right?

7 A. No, I haven't been back since, no.

8 Q. That's by the good graces of the prosecutors, right?

9 A. I was already out on bail when I started cooperating so
10 they just continued my bail.

11 Q. Did you plead guilty to murder?

12 A. Yes, I did.

13 Q. Did you plea guilty to racketeering conspiracy?

14 A. Yes, I did.

15 Q. And you are out walking amongst us?

16 A. Yes, I am.

17 Q. And in fact you are being supported by the FBI, right?

18 A. Yeah, they pay my rent.

19 Q. And the FBI pays for your housing, right?

20 A. Yes.

21 Q. And the FBI pays for your ex-wife's mortgage?

22 A. No.

23 Q. Well, how much do you receive from the FBI?

24 A. I receive \$2,400 a month.

25 Q. Pardon?

Ruggiano/Cross/Sharkey

1 A. \$2,400 a month.

2 Q. Did the FBI ever pay for your ex-wife's mortgage?

3 A. In the beginning when I first started cooperating, they
4 gave me money for my mortgage, yes.

5 Q. And you paid the mortgage, right, you didn't lose the
6 house?

7 A. No, we went on eventually to sell it.

8 Q. Did you make a profit?

9 A. There was some equity left, yeah.

10 Q. How much?

11 A. I think about \$90,000.

12 Q. Did the government seize that money?

13 A. No.

14 Q. So that money is available to you and your family?

15 A. No, my wife already spent it. She bought a condominium
16 where she lives with it.

17 Q. And you live now with your second wife?

18 A. I live alone.

19 Q. You live alone?

20 A. I was just talking about my first wife. My second wife
21 passed away.

22 Q. So your second wife was able to keep the 90,000 dollars
23 in equity, right?

24 A. Yes.

25 Q. And the apartment or home in which you currently live is

Ruggiano/Cross/Sharkey

1 paid for by the government, right?

2 A. Well, they give me \$2,400 a month and I pay my rent out
3 of that money.

4 Q. You say you pay your rent. They also pay for medical
5 treatment, right?

6 A. So far I haven't needed any but I guess they would if I
7 do.

8 Q. Do you also have a car?

9 A. Yes, I do have a car.

10 Q. Who paid for that?

11 A. The U.S. marshals bought me the car when I was in the
12 witness protection program.

13 Q. And you left the witness protection program?

14 A. Yes.

15 Q. When did you leave the witness protection program?

16 A. I signed out of the witness protection program, I
17 believe it was in September.

18 Q. Of this year?

19 A. No, of last year.

20 Q. And you're currently living under your own name or
21 another name?

22 A. The name I was provided with from the witness protection
23 program.

24 Q. So the FBI pays for your car, they give you money and
25 for your housing?

Ruggiano/Cross/Sharkey

1 A. My car is already paid for.

2 Q. Your car has already been paid for by the FBI, right?

3 A. No, by the U.S. Marshals Service when I was in the
4 witness protection program. The FBI had nothing to do with
5 it.

6 Q. Now, Mr. Amato--I keep calling you Amato. You have to
7 forgive me.

8 Mr. Ruggiano, you testified that certain members of your
9 family were relocated, right?

10 A. Yes.

11 Q. Who was that?

12 A. My second--.

13 MR. NORRIS: Objection, judge.

14 THE COURT: Overruled.

15 Q. Who was that?

16 A. My second wife and my daughter.

17 Q. How old is your daughter?

18 A. She is 15.

19 Q. Now, your sister is not relocated, right?

20 MR. NORRIS: Objection.

21 THE COURT: Overruled.

22 A. Excuse me?

23 Q. The woman whose husband you murdered, she is not
24 relocated, right?

25 A. No.

Ruggiano/Cross/Sharkey

1 Q. And would you consider that you have a close family
2 relationship with her?

3 A. No, unfortunately I don't.

4 Q. Now, you advertised that you started committing crimes
5 when you were 15,16 years old, right?

6 A. Yes.

7 Q. And would that be in the '70s?

8 A. No, I started committing crimes in the late '60s.

9 Q. Okay.

10 And the kind of crimes you committed in the '60s
11 included selling marijuana, right?

12 A. Yes.

13 Q. Thefts, right?

14 A. I don't remember any thefts in the '60s that I--.

15 Q. What do you remember?

16 A. I bought drugs in the '60s. I sold a little pot in the
17 '60s.

18 Q. When you say you sold a little pot, your father you've
19 testified was a respected soldier, right?

20 A. Yes.

21 Q. You sold pot at the park right across the street from
22 your house, right?

23 A. Yes, I did.

24 Q. And you sold pot with your brother, right?

25 A. Not in the '60s.

Ruggiano/Cross/Sharkey

1 Q. When did you start selling pot with your brother?

2 A. In the '70s.

3 Q. And you sold pot with your brother across the street
4 from your house?

5 A. That was one of our locations, yes.

6 Q. And you also sold it out of bars, right?

7 A. Yes.

8 Q. Also out of pizzerias, right?

9 A. Yes.

10 Q. How much pot, how much marijuana were you moving in the
11 '70s?

12 A. We used to sell nickel bags. We were selling maybe two
13 or 300 nickel bags a day.

14 Q. For our purposes, what is a nickel bag?

15 A. It's a 5-dollar bag of pot.

16 Q. And you said you sold 300 nickel bags a day?

17 A. Two to 300 nickel bags a day.

18 Q. Seven days a week?

19 A. Seven days a week.

20 Q. And how many years, how many decades did this go on for?

21 A. At that pace, that amount?

22 It went on up until my friend Tommy Cooly was murdered
23 in 1977.

24 Q. You also testified that you moved pounds of marijuana,
25 bales of marijuana, right?

Ruggiano/Cross/Sharkey

1 A. Very rarely.

2 Q. Well, you testified on direct examination when Mr.
3 Norris was asking you questions that you did?

4 A. Yes, I did, yes, I did, I have.

5 Q. When was that?

6 A. In the '70s.

7 Q. Where did you get the marijuana from?

8 A. From a fellow named Charlie Wingy.

9 Q. Who did you sell it with?

10 A. I sold it with my brother, yes. We used to get the bail
11 and sell the whole bail at one time or sometimes we would
12 keep it for ourselves and break it down and sell nickel bags,
13 ounces.

14 Q. And you were living at your mother's house at that time?

15 A. Until I got married, yes.

16 Q. Would you break the marijuana down at home in your
17 mother's house?

18 A. No.

19 Q. Where would you break a bale of marijuana down?

20 A. My brother had apartments in various places in the
21 neighborhood.

22 Q. How much would a bale of marijuana go for in the '70s?

23 A. Back then? Maybe \$200 a pound, \$300 a pound.

24 Q. How many pounds in a bale of marijuana?

25 A. That we bought, 40 pounds.

Ruggiano/Cross/Sharkey

1 Q. What did you do with all the money?

2 A. What did I do with my money?

3 Q. Yes, what did you do with your money?

4 A. I spent it.

5 Q. What did you spend it on?

6 A. The racetrack, going out partying, buying clothes. I
7 just spent it.

8 Q. Drugs for your personal use?

9 A. Drugs, yeah.

10 Q. You also testified on direct examination that you sold
11 thousands of pills, right?

12 A. Yes, I did.

13 Q. When was that?

14 A. That was in the '70s.

15 Q. How old were you in the '70s?

16 A. I was in my twenties.

17 Q. Where did you sell the pills from?

18 A. We sold the pills out of a pizzeria on 101st Avenue and
19 93rd Street and out of a bar on Atlantic and Woodhaven
20 Boulevard.

21 Q. And you said you sold barbiturates, is that right?

22 A. Yes.

23 Q. What would the street name for these barbiturates be?

24 A. Goofballs.

25 Q. Did you do them yourself?

Ruggiano/Cross/Sharkey

1 A. No.

2 Q. You didn't touch them?

3 A. I didn't like them. I didn't like them.

4 Q. You had an aversion to pills?

5 A. I didn't like them.

6 Q. Who did you sell them to?

7 A. People in the neighborhood, people that wanted to buy
8 them.

9 Q. And your father is a respected soldier and you are
10 selling all these drugs in your own neighborhood?

11 A. Yes.

12 Q. Right across the street from your house?

13 A. I didn't sell the pills right across the street from my
14 house, just the pot.

15 Q. Just the marijuana across the street from your house,
16 right?

17 A. Yes.

18 Q. You also testified that you sold cocaine, right?

19 A. Yes.

20 Q. And you sold--what denominations of cocaine did you
21 sell, what weight?

22 A. I would sell people like half a gram and grams and once
23 in a while an eight ball. I wasn't really a big cocaine
24 dealer. And once I moved a quarter of a key with Glen. I
25 took it off Glen and brought it to this guy Eddie D. Who had

Ruggiano/Cross/Sharkey

1 an after-hours club. I really didn't dabble much in selling
2 cocaine.

3 Q. You sold drugs throughout the '70s and the '80s, right?

4 A. I sold drugs into the early '80s, yes.

5 Q. And that was one of your sources of income, correct?

6 A. The marijuana was, yes.

7 Q. And so were the drugs, right?

8 A. Well, I only sold the pills for a short period of time
9 and then Sal Pecchio had gotten arrested for selling them for
10 me and we stopped. And my father found out about it and he
11 went to the drug store guy that was selling them to me and
12 they threatened the guy and the guy stopped selling me the
13 pills.

14 Q. So daddy took care of it?

15 A. Well, he shut it down when he found out.

16 Q. Daddy took care of it, right?

17 A. Yes, he did.

18 Q. He bailed you are out your entire life?

19 A. He didn't bail me out with the pills. He just told the
20 guy --he told bailed out the drugstore guy. He didn't kill
21 him. He just told him to stop selling me pills.

22 Q. Now, where did you get the cocaine from that you sold
23 the '70s and '80s?

24 A. Most of it I got from Glen Bitet.

25 Q. How much?

Ruggiano/Cross/Sharkey

1 A. How much cocaine did I buy off Glen?

2 Q. Yes, how much?

3 A. Throughout my whole?

4 Q. Yes.

5 A. Ounces and ounces of cocaine.

6 Q. This was through the '70s, right?

7 A. I bought cocaine off Glen for over 20 years.

8 Q. And this is through the '80s, right?

9 A. Yes, and up to 1988.

10 Q. When you say up to 1988, prior to '88 according to you,
11 you were a junky, right?

12 A. Yes.

13 (Continued on next page.)

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Ruggiano-cross/Sharkey

1 CROSS-EXAMINATION (Cont.'d)

2 BY MS. SHARKEY:

3 Q. Drug addict, right?

4 A. Yes.

5 Q. You were addicted to anything and everything, correct?

6 A. No, I was addicted to cocaine, marijuana and --.

7 Q. You also did pills, right?

8 A. I started taking Valiums a little at the end. I used to
9 do a lot of coke and take valiums to sort of try to get to
10 sleep.

11 Q. Did you snort heroin?

12 A. A few times. I did it a handful of times. I used to
13 throw up from it all the time, I didn't like to do it.

14 Q. Did you do Special K?

15 A. I have, yes.

16 Q. What is Special K?

17 A. It was like some kind of horse tranquilizer mixed with
18 cocaine, heroin. Some crazy concoction.

19 Q. Did you sell Special K?

20 A. No.

21 Q. You just used it for your own personal use?

22 A. I got turned on a few times in Manhattan, yes.

23 Q. Mr. Ruggiano, your drug use took off after you got out
24 of jail from 78?

25 A. My drug use started taking off after my son was born in

Ruggiano-cross/Sharkey

1 '83. It started getting a little crazy.

2 Q. In fact, when you say your son was born in '83, from
3 your twenties to your mid thirties, you used cocaine every
4 day, didn't you?

5 A. No, I didn't.

6 Q. Was there a period of time you used cocaine every day,
7 Mr. Ruggiano?

8 A. There was a period of time I used cocaine four, five
9 days in a row without stopping, yes.

10 Q. That was from your twenties until you were in your mid
11 thirties, correct?

12 A. From the time I was around 29 into my -- until I was 35.

13 Q. 29 till you were 35?

14 A. Right. My son was born the year I turned 30.

15 Q. And when you say you used cocaine from your late
16 twenties to your mid thirties, you testified on direct
17 examination that you would go five, six and seven days on a
18 binge, right?

19 A. Yes.

20 Q. Where did you get the money for all this cocaine?

21 A. I started out with money. A lot of times I was with
22 people who had drugs. I would get high in Glen's basement.
23 He would turn me on. I would steal cocaine. I did whatever
24 -- I would sell jewelry I had, that my family had.

25 Q. You were on five, six and seven day binges for years,

Ruggiano-cross/Sharkey

1 right?

2 A. I started going on five or six, seven day binges, yeah,
3 for quite some time.

4 Q. You just said that you stole money to support your
5 habit, right?

6 A. Sure.

7 Q. You stole money from your father?

8 A. No. My father went to prison -- when it started getting
9 crazy my father had gone to prison.

10 Q. You stole money from Tommy Lee you testified on direct
11 examination, right?

12 A. From Tony Lee.

13 Q. So, you stole money from your wife?

14 A. I stole money from my wife, yeah.

15 Q. You stole money from your friends?

16 A. Yes?

17 Q. You stole money from other associates that you worked
18 with?

19 A. Yes.

20 Q. And you stole money from drug dealers, right?

21 A. I didn't steal money from drug dealers, I stole drugs
22 from drug dealers.

23 Q. And it was no secret that you were a junkie, right?

24 A. No.

25 Q. You were an embarrassment, correct?

Ruggiano-cross/Sharkey

1 A. At the end, yeah, sure.

2 Q. And in fact your life during that period revolved around
3 drugs, right?

4 A. Yes.

5 Q. Every moment of every day you were thinking of when you
6 were going to get high and where the next high was coming
7 from, right?

8 A. Yes.

9 Q. Now, in addition to stealing money from your friend and
10 other individuals, many of the individuals you stole money
11 from were tough guys, right?

12 A. Yeah. I would borrow money off people and not pay them
13 back, yeah.

14 Q. You just testified a couple minutes ago that you stole
15 money from Tony Lee, right?

16 A. Yeah.

17 Q. A captain?

18 A. He wasn't a captain.

19 Q. Pardon?

20 A. Tony wasn't a captain.

21 Q. He was a soldier, right?

22 A. Yeah.

23 Q. A made guy, right?

24 A. Yeah.

25 Q. You stole money from other persons affiliated with this

Ruggiano-cross/Sharkey

1 family, correct?

2 A. Yes.

3 Q. Who else did you steal money from specifically?

4 A. Sally Reale.

5 Q. Who else?

6 A. Tony Lee.

7 Q. Anybody else?

8 A. Other people I borrowed money off of but didn't pay them
9 back.

10 Q. Did you steal money from Robert Engel?

11 A. No, I never stole any money from Robert Engel.

12 Q. Did you steal money from any of the Corozzos?

13 A. No.

14 Q. But you stole money from Tony Lee, right?

15 A. Yes, I did.

16 Q. Did you steal money from his brother?

17 A. No.

18 Q. And you were never punished for this, right?

19 A. He never knew.

20 Q. Pardon?

21 A. He never knew.

22 Q. Really. How did you steal money without him finding
23 out?

24 A. Because he thought I gave the \$25,000 to a juror in
25 Florida when I only gave the guy 20 and I kept five.

Ruggiano-cross/Sharkey

1 Q. Aside from that \$5,000 --?

2 A. I never stole any money.

3 Q. -- that you stole from --?

4 A. I never stole any other money.

5 THE COURT: Excuse me. Do not interrupt the
6 question. Start again. Ask your question.

7 MS. SHARKEY: Thank you, Judge.

8 Q. How many times did you steal money from Tony Lee?

9 A. Just that once.

10 Q. How many times did you steal money from your mother?

11 A. I never really stole money from my mother.

12 Q. You testified on direct examination and a few moments
13 ago on cross you stole money from your family, right?

14 A. Yes.

15 Q. What family members did you steal the dough from?

16 A. My first wife.

17 Q. How much money did you steal from her?

18 A. You know \$20, \$30. I would take \$20 out of her
19 pocketbook, I would go buy coke or some pot.

20 Q. Was she on welfare at the time?

21 A. Yes, she was.

22 Q. You stole the money from her welfare check, right?

23 A. And money I was -- I started working in a numbers office
24 for a while and they were sending her my pay.

25 Q. Because they knew that you were a junkie?

Ruggiano-cross/Sharkey

1 A. Yes.

2 Q. Right. Everybody knew you were a junkie, right?

3 A. Yes.

4 Q. In fact, you've never progressed beyond the level of a
5 junkie, right?

6 A. No, I never did.

7 Q. You testified also you robbed drug dealers, right?

8 A. Yes.

9 Q. And you robbed drug dealers in the eighties, right?

10 A. Correct.

11 Q. And how did you get them to give you their drugs?

12 A. One we had a gun, we went into his house and my father
13 owned after hour clubs in Manhattan. I used to work in them
14 and I would find out who was selling cocaine and I would take
15 them in the office and tell them they couldn't sell cocaine
16 in the after hours unless they took care of me. I would sort
17 of like shake them down for cocaine.

18 Q. When you say "sort of shake them down," you frightened
19 them, right?

20 A. I told them if they didn't give me any they couldn't
21 come in the club.

22 Q. Did your father know you were shaking down the local
23 drug dealers?

24 A. No.

25 Q. He never found out?

Ruggiano-cross/Sharkey

1 A. He never said anything to me.

2 Q. You testified on direct examination about holding the
3 knife to a throat of somebody?

4 A. Yes.

5 Q. That was somebody buying drugs at the same time you
6 were, right?

7 A. Yes.

8 Q. You stole the mink coat and chain from the guy?

9 A. Mink coat from the girl, chain from the guy.

10 Q. It is not the first time you held guns or knives on
11 people, correct?

12 A. It is the first time I ever held a knife to anybody.

13 Q. Throughout the 1980s you testified you stole money from
14 drug dealers, right?

15 A. Right.

16 Q. This was to fuel your five, six, seven day binges on
17 cocaine, right? Cocaine, right?

18 A. To fuel my drug habit.

19 Q. Was it to fuel your week long binges on cocaine?

20 A. Yes.

21 Q. That was your drug habit, right?

22 A. Yes.

23 Q. In fact, you couldn't steal enough money from your
24 friends and family to fuel that sort of habit, fair enough?

25 A. It was not enough money in the world.

Ruggiano-cross/Sharkey

1 Q. How much coke would you go through in a week?

2 A. A quarter of an ounce of coke, maybe a half ounce.

3 Q. How much did that go for?

4 A. Different times, different prices at different times.

5 At the end of my active addiction coke was cheaper than pot.

6 When I first started in the seventies it was very expensive.

7 It was \$2,000 an ounce. By the time I was addicted to it the
8 price started to come down.

9 Q. Is that because you were smoking crack, which is cheaper
10 than powder cocaine?

11 A. I smoked crack -- crack hit the street really towards
12 the very end of my active addiction. So I really didn't -- I
13 free based way more than a smoked crack.

14 Q. When you "free based," you actually cooked the powder
15 cocaine, right?

16 A. Yes.

17 Q. And you take out any sort of moisture in it, so you have
18 a much more concentrated high, right?

19 A. Right.

20 Q. How often did you free base in the eighties?

21 A. Throughout the whole eighties?

22 Q. Yes.

23 A. 100 times, 200 times. A lot of times.

24 Q. Now, in addition to your drug habit, you were also
25 committing crimes, right?

Ruggiano-cross/Sharkey

1 A. Yes.

2 Q. And it would be fair to say that in the seventies and
3 the eighties and the nineties, when you weren't in jail you
4 were committing crimes every day, right?

5 A. Practically, yeah.

6 Q. You had no legal means of making money, right?

7 A. None.

8 Q. And when you were cracked out, you were still employed,
9 right?

10 A. Excuse me.

11 Q. When you were cracked out on cocaine or other drugs, you
12 were still making money, right?

13 A. Yeah.

14 Q. And you were making money by running numbers?

15 A. I was working in a number office, correct.

16 Q. And people allowed you to work in the number office,
17 right?

18 A. Well, they really had no choice. It was my father's
19 business.

20 Q. That is because daddy took care of you, correct?

21 A. Yup.

22 Q. Watched out for you your entire life, right?

23 A. Him and Tony Lee, yeah.

24 Q. And that was because you were a drug addict and
25 relatively incompetent, correct?

Ruggiano-cross/Sharkey

1 A. No, it was because I was his son and I needed a job.

2 Q. And did you ever rise to the level of your father's
3 success?

4 A. Never.

5 Q. Did you ever become a made member?

6 A. No.

7 Q. And your drug use was common knowledge throughout your
8 peers, right?

9 A. Yes.

10 Q. People covered for you, right?

11 A. Covered for me?

12 Q. Covered for you.

13 A. I don't know what you mean by that.

14 Q. If you didn't show up to work because you were on a
15 seven day toot, did you get fired?

16 A. No.

17 Q. Now, in addition to running numbers and selling drugs,
18 you also were involved in credit card fraud, right?

19 A. Yes.

20 Q. You stole people's credit cards and ran up costly
21 purchases, correct?

22 A. Yes.

23 Q. And you did that a couple of different times in your
24 life, right?

25 A. Yes.

Ruggiano-cross/Sharkey

1 Q. People who were involved with your father reached out
2 and took care of you, right?

3 A. I don't know what you mean by that.

4 Q. Well, when was the first time you were involved in
5 credit card fraud?

6 A. In the 1980s, mid eighties.

7 Q. And that was with which friend of your father's?

8 A. John Carneglia.

9 Q. And when you sold -- when you involved -- withdrawn.

10 When you were involved with this credit card fraud, you
11 got those credit cards from John Carneglia, correct?

12 A. Yes, I did.

13 Q. You bought them from John Carneglia, right?

14 A. Yes, I did.

15 Q. And after you bought those credit cards, you then ran up
16 purchases on those cards, didn't you?

17 A. Yes, I did.

18 Q. And after you received the purchases you then sold the
19 purchases, correct?

20 A. Well, no, with John's credit cards it really -- the only
21 time I ever purchased any items was once in an electronic
22 store. The rest of the times I got cash from my cousin
23 Frankie's video store and I had a guy in the clothing store,
24 they would pay me in cash. The only time I actually got any
25 items was when I went to the electronic store with Glen

Ruggiano-cross/Sharkey

1 Bitet.

2 Q. How much money did you make in the eighties on this
3 credit card fraud?

4 A. The first credit card fraud with John?

5 Q. Yeah.

6 A. How much did I make? I would say all told about
7 \$10,000.

8 Q. Over the course of a decade?

9 A. No. I only did it with John -- I only got those credit
10 cards for a few times.

11 Q. So, you made about ten grand in a couple of months and
12 you blew it on drugs, right?

13 A. Pretty much.

14 Q. Blew it on cocaine, right?

15 A. Pretty much.

16 Q. In addition to the welfare money you were ripping off
17 from your wife, right?

18 A. Well, if I had money in my pocket I wouldn't have to
19 take money from my wife.

20 Q. Now,, Mr. Ruggiano, in addition to selling drugs,
21 robbing drug dealers and credit card fraud, in the eighties,
22 did you also engage in bookmaking?

23 A. In the eighties?

24 Q. Yeah, in the eighties?

25 A. Numbers.

Ruggiano-cross/Sharkey

1 Q. Pardon?

2 A. Just numbers.

3 Q. When you say "numbers," that's when you're talking about
4 the Brooklyn number, right?

5 A. Yeah.

6 Q. Who are you working for then?

7 A. In the eighties?

8 Q. Yes.

9 A. I was working for Big Tom.

10 Q. Big Tommy was a friend of your dad's right?

11 A. He was with my father and Tony Lee, right.

12 Q. They were taking care of you, correct, they gave you a
13 job, right?

14 A. Tommy gave me a job, yes.

15 Q. How much money did you make from dad's friend Tommy
16 selling these numbers?

17 A. Working in his office I was paid \$350 a week. I got a
18 raise to \$500 after I got clean a few years later and got out
19 of the office into the street, I got a raise to \$500.

20 Q. Well, we'll talk about your getting clean in a little
21 bit, right. But this is before 1988, right, you're working
22 for Big Tommy?

23 A. I started working for Big Tommy before 1988, right.

24 Q. There would be times when you didn't show up at big
25 Tommy's numbers spot and you never got fired, right?

Ruggiano-cross/Sharkey

1 A. Never.

2 Q. And you didn't show up because, gee, you were on a five
3 day toot, right?

4 A. Yes.

5 Q. Six day toot, right?

6 A. Yes.

7 Q. The money you got for that toot would come from ripping
8 off drug dealers, right?

9 A. Sometimes.

10 Q. Ripping off your wife, right?

11 A. Sometimes.

12 Q. From what other things, from running numbers, correct?

13 A. No. I worked -- I didn't run numbers. I worked in a
14 number office. I was a clerk.

15 Q. You were a clerk?

16 A. Right.

17 Q. It was a nine-to-five day?

18 A. Not at all.

19 Q. Did you punch a clock?

20 A. No.

21 Q. Now, you also shylocked, right?

22 A. Yes.

23 Q. And you shylocked in the eighties, too, right?

24 A. Yes.

25 Q. And who gave you the money to shylock in the eighties?

Ruggiano-cross/Sharkey

1 A. We used the money from the pot business.

2 Q. You and your brother were shylocking?

3 A. My brother -- I was shylocking with me, my brother and
4 Frankie Geech.

5 Q. They put up the money?

6 A. My brother put up 10,000 and Frankie Geech put up
7 10,000.

8 Q. You didn't have any money to put up because you were
9 getting high with all your money?

10 A. I was never partners with my brother. I worked for my
11 brother and made pay and extra money. The pot business was
12 my brother's business. I just helped him. So, he made much
13 more money than I made.

14 Q. How much money did you make from shylocking, sir?

15 A. With Frankie Geech I made nothing.

16 Q. You did it for free?

17 A. No. Because he killed two people and that was the end
18 of the shylock business. We had just started it.

19 Q. Now, in the 1990s, right, you also had a job involved
20 with the family, right?

21 A. Well, I worked in -- yeah, sure.

22 Q. And you were still being looked after by dad and his
23 friends, correct?

24 A. When was that now, the nineties?

25 Q. In the nineties.

Ruggiano-cross/Sharkey

1 A. In the nineties I was pretty much making all my own
2 money. I was into credit card fraud and I wound up getting
3 control of the vending companies. I was pretty much on my
4 own in the nineties.

5 Q. When you say you got control of the vending company, you
6 testified on direct examination that you stole a vending
7 company away from Steve Lichman; is that correct?

8 A. Yes.

9 Q. Steve Lichman had a couple different vending machines;
10 is that right?

11 A. Yes, he did.

12 Q. Those would include, I think you called it an eight --
13 what were the kind of machines?

14 A. Eight Lines, Joker Pokers, slot machines, pin ball
15 machines, pool tables.

16 Q. You stole this away from Steve Lichman, what, in '89?

17 A. No, I didn't. I didn't take control of the company
18 until I believe it was around 1994.

19 Q. How were you able to get control of his company from him
20 in 1994?

21 A. Well, he was with us, with my father and he worked
22 behind our backs to make a deal to sell the company to the
23 West Side and I found out about it and I chased him out of
24 New York and took over the company.

25 Q. When you say the West Side, does that refer to another

Ruggiano-cross/Sharkey

1 organized crime group?

2 A. Yes, it does.

3 Q. What group is that?

4 A. Genovese family.

5 Q. And how many spots did you have control over with these
6 vending machines?

7 A. About 50 spots, 50 locations.

8 Q. 50 different locations where there were Eight Line and
9 Joker Poker and other things, right?

10 A. Yes.

11 Q. And how much money did you make from that in the
12 nineties?

13 A. When I first took over the company I was making about
14 anywhere between five to \$7,000 a week for myself.

15 Q. And this five to \$7,000 a week, did you ever kick up
16 money to anybody else out of that?

17 A. No.

18 Q. Because your dad was in a position of power, you weren't
19 required to do that?

20 A. Well, I was asked once to do it and I told the person
21 who asked me to go see my father in prison and if he said for
22 me to kick up money for them I would. They never went to ask
23 so I never did.

24 Q. So, you stole this person's illegal business, but you
25 got to keep all the money, right?

Ruggiano-cross/Sharkey

1 A. I got to keep half the money. I eventually had to go
2 partners with the West Side.

3 Q. In addition to having this vending machine company, you
4 also robbed drug dealers, right?

5 A. No, not anymore. Once I got clean in '88 I didn't rob
6 drug dealers anymore.

7 Q. Didn't you steal \$163,000 from somebody who was seeking
8 to purchase marijuana?

9 A. Did I steal \$163,000?

10 Q. Maybe you and your friend. Weren't you involved in the
11 theft of \$163,000 from somebody who was flying to New York?

12 A. Nope.

13 Q. Did you ever steal money from drug dealers in the
14 nineties?

15 A. Steal money from drug dealers in the nineties?

16 Q. Yes.

17 A. Not to my knowledge, no.

18 Q. Now, you testified that at some point you became sober,
19 right?

20 A. Correct.

21 Q. And you testified that you became sober in the late
22 eighties, right?

23 A. In 1988, the first time.

24 Q. And you went to a clinic to get dried out, so to speak,
25 correct?

Ruggiano-cross/Sharkey

1 A. I went to a treatment facility, yes.

2 Q. And you went to a treatment facility to remove yourself
3 from the street so you wouldn't smoke any more crack, right?

4 A. Well, I went to treatment facility to stop using drugs.

5 Q. And it is your testimony that around that time you
6 stopped using drugs but you had a couple of relapses
7 subsequent to that, right?

8 A. Yes, I did.

9 Q. And how did you stay sober after you went to the
10 treatment center aside from those relapses?

11 A. Well, I went to Narcotics Anonymous meetings and I
12 refused to use drugs anymore. I couldn't do it anymore. I
13 was afraid I was going to kill myself. I was in physical
14 pain, I was beat up.

15 Q. Well, you were so beat up that you testified on direct
16 examination that you dropped to about 140, 145 pounds?

17 A. Yes, I did.

18 Q. And you were sick, right?

19 A. I was run down, yeah. Very run down.

20 Q. And you testified just now that you went to Narcotics
21 Anonymous meetings, right?

22 A. Yes, I did.

23 Q. And you continued to go to Narcotics Anonymous meetings
24 to this day?

25 A. Yes, I do.

Ruggiano-cross/Sharkey

1 Q. Now, in the nineties, you were -- when you weren't in
2 jail you were still committing crimes on a daily basis,
3 right?

4 A. Yeah.

5 Q. And you were also going to these Narcotics Anonymous
6 meetings, right?

7 A. Yes, I was.

8 Q. And correct me if I'm wrong, but a Narcotics Anonymous
9 meeting is what's also called a 12-step program, correct?

10 A. Yeah.

11 Q. And it is 12 steps that are designed to help people stay
12 clean and sober, right?

13 A. To change their life.

14 Q. You didn't stop committing crimes, right?

15 A. No.

16 Q. And when you went to these meetings did you have a
17 sponsor?

18 A. Yes, I did.

19 Q. And a sponsor is someone who is supposed to be really
20 almost like a life guardian for you, correct?

21 A. Supposed to guide you through the program.

22 Q. And did you have a sponsor?

23 A. Yes, I did.

24 Q. Did you tell that sponsor that you were a member of the
25 Gambino crime family?

Ruggiano-cross/Sharkey

1 A. He knew who my father was. He knew.

2 Q. Pardon.

3 A. He knew who I was.

4 Q. When you say he knew who you were, was he also a member
5 of the crime family?

6 A. No.

7 Q. When you say he knew who you were, did he know that you
8 participated in murders and crimes and conspiracy to murder;
9 did you tell him all that?

10 A. He knew what I was doing at that particular time, yes.

11 Q. So, this individual knew that you were committing crimes
12 on a daily basis, right?

13 A. Pretty much.

14 Q. When you went to these Narcotics Anonymous meetings, did
15 you share your story with other persons who were trying to
16 better themselves?

17 A. Not my complete story, no.

18 Q. Did you ever share your association with the Gambino
19 crime family?

20 A. No.

21 Q. Did you ever share the fact that you had murdered your
22 sister's husband?

23 A. No.

24 Q. Did you ever speak at these events?

25 A. I spoke at meetings, yes.

Ruggiano-cross/Sharkey

1 Q. And when you say you spoke at meetings, you went to
2 meetings four, five times a week, right?

3 A. I went to them -- yeah.

4 Q. Did you ever go to the larger conventions that are held
5 throughout the country for Narcotics Anonymous?

6 A. Yes.

7 Q. And did you speak at those larger conventions?

8 A. I never spoke at a convention, no.

9 Q. Did you ever share with smaller groups at those
10 conventions?

11 A. I went to a world convention in Paris. I was asked to
12 speak at a meeting in Paris, in the city.

13 Q. Did you speak at the meeting in Paris?

14 A. Yes.

15 Q. Did you say greetings from the streets of Brooklyn, I'm
16 a murderer and I commit crimes every day?

17 A. No, I didn't.

18 Q. Did you hold yourself out to be something different to
19 these people who are sharing their life story with you?

20 A. I just held myself out as someone that wasn't using
21 drugs.

22 Q. Now, you've already testified that in the 1980s, your
23 life centered around using drugs, obtaining drugs, obtaining
24 money to get the drugs, right?

25 A. Yes.

Ruggiano-cross/Sharkey

1 Q. And there were a million different ways that you got
2 money for the drugs, right?

3 A. There was a few different ways.

4 Q. Rob drug dealers, right?

5 A. Yeah.

6 Q. Stealing money from your family?

7 A. Yes.

8 Q. Stealing money from captains in the crime family, right?

9 A. I never stole no money from a captain.

10 Q. Did you steal five grand from Tommy Lee?

11 A. Tony Lee was not a captain, he was a soldier.

12 Q. Excuse me. You stole money from made men in the crime
13 family, right?

14 A. Yes, I did.

15 Q. You were never punished for it, right?

16 A. No, I wasn't.

17 Q. You stole an awful lot of cars, didn't you?

18 A. Yes, I did.

19 Q. You testified on direct examination that you stole
20 hundreds of cars, correct?

21 A. Yes, I did.

22 Q. And this was in the eighties and the nineties, right?

23 A. Yes, it was.

24 Q. And you were also running gambling operations or working
25 for gambling operations, right?

Ruggiano-cross/Sharkey

1 A. Yes, I was.

2 Q. You were also working for numbers operations, correct?

3 A. Yes, I was.

4 Q. There is a distinction between numbers operations and
5 gambling operations, right?

6 A. Yes.

7 Q. Gambling operations are betting on sporting events,
8 correct?

9 A. Some people bet on the horses. Nobody bet a lot on the
10 horses. It was sports, baseball, football, basketball.

11 Q. Also, during the eighties you were getting high all the
12 time, right, until you got sober in '88?

13 A. Yes.

14 Q. And it would be accurate to say that even though you
15 were taken care of by your father and your father's friends,
16 you weren't exactly trusted, were you?

17 A. In which sense wasn't I trusted?

18 Q. When you disappeared for six or seven days getting high
19 on coke, did your colleagues trust you during that time
20 period?

21 A. No.

22 Q. If you know?

23 A. No. I didn't understand what you meant. No, I wasn't
24 trusted.

25 Q. In fact, you were never invited in to join this family,

Ruggiano-cross/Sharkey

1 right, you never made it beyond the level of associate,
2 correct?

3 A. Never.

4 Q. But there were discrete jobs that you were given, fair
5 to say?

6 A. Yes.

7 Q. And one of those discrete jobs had to deal with -- or
8 had to do with setting up your pal Frankie Geech, right?

9 A. Yes.

10 Q. And Frankie Geech was somebody who you say was
11 associated with your father, right?

12 A. Yes.

13 Q. He was a friend of yours, wasn't he?

14 A. Yes, he was.

15 Q. And, in fact, you and Frankie Geech had a shylocking
16 operation together, right?

17 A. Yes.

18 Q. This shylock operation was where you would loan money
19 out for exorbitant rates, correct?

20 A. Yes.

21 Q. If you didn't get the money back and you didn't get the
22 interest back, you would go collect it, right?

23 A. Yes.

24 Q. Pardon?

25 A. Yes.

Ruggiano-cross/Sharkey

1 Q. Sometimes you used force, right?

2 A. Yes, I did.

3 Q. And when you used force you would shove people around,
4 right?

5 A. Yes.

6 Q. Threaten them, right?

7 A. Yes.

8 Q. And intimidate them, correct?

9 A. Yes.

10 Q. Punch them?

11 A. I never punched anybody. Yes, it happens.

12 Q. When you say you never punched anybody? Everybody
13 opened their wallet freely?

14 A. I never had much of a problem with my shylock
15 businesses. Only once I pushed somebody, I roughed somebody
16 up. The business with Frankie Geech started and ended so
17 quick I didn't even know one of the customers because Frankie
18 Geech handled all that end of it and my brother and me never
19 even met one of his customers.

20 Q. Who put the money up for this shylock business?

21 A. Frankie Geech put up \$10,000 and my brother put up the
22 other 10,000.

23 Q. But they took you in as one of the partners, right?

24 A. Yes.

25 Q. They took you in as one of the partners so they could do

Ruggiano-cross/Sharkey

1 a favor for your father, right?

2 A. No, because it was my brother and my friend, so we all
3 just went partners. They wanted me to earn some money.

4 Q. You didn't put up any money, did you?

5 A. No. My brother put it up for me.

6 Q. Now, how long had you known Frankie Geech?

7 A. Up to that point how long did I know him?

8 Q. Yeah, in early eighties.

9 A. I knew him probably from -- well, he was younger than
10 me. I must have known him ten years.

11 Q. Now, you testified on direct examination that Frankie
12 Geech murdered a bartender, right?

13 A. Yes.

14 Q. Murdered the patron in a bar at the same time, right?

15 A. Correct.

16 Q. When was that?

17 A. That was in the very early eighties.

18 Q. Do you remember what month, what year?

19 A. It had to be -- I got out of prison in September of 1980
20 and it was not long after that.

21 Q. Pardon.

22 A. I got out of jail I believe in September of 1980 and it
23 was not too much longer after that.

24 Q. And when you say it was not too much longer after that,
25 you were present when Frankie Geech told you about the

Ruggiano-cross/Sharkey

1 murder, right?

2 A. Frankie Geech came to me immediately after he committed
3 the two murders.

4 Q. You were at a social club or a bar, right?

5 A. I was in a bar, yes.

6 Q. What bar were you at?

7 A. I was in the Polish National Hall in Ozone Park. It is
8 where I hung out.

9 Q. Who were you with?

10 A. I was with Sal Pecchio, Joseph DiDona, Louie
11 Perarno (ph.). Robert Engel must have been with us. A whole
12 bunch

13 Q. Is Robert Engel a good friend of yours?

14 A. Yes, he is.

15 Q. Robert Engel testified against you on the Florida case,
16 didn't he?

17 A. He never testified. He cooperated. He never went to
18 trial.

19 Q. Good friend of yours, correct?

20 A. He was a good friend of mine, yes.

21 Q. Now, Mr. Ruggiano, you testified on direct examination
22 that this murder, this double murder caused a lot of
23 problems, right?

24 A. Yes, it did.

25 Q. It caused a lot of problems, first, it wasn't a

Ruggiano-cross/Sharkey

1 sanctioned murder, right?

2 A. No.

3 Q. Geech hadn't requested permission from your dad to
4 commit the murders, correct?

5 A. Correct.

6 Q. It was troublesome because I think you said Gene Gotti's
7 daughter was present at the bar, right?

8 A. No.

9 Q. Whose daughter was present at the bar?

10 A. Pete Gotti's.

11 Q. Pete Gotti's daughter was present at the bar, right?

12 A. Yes.

13 Q. She was questioned by police, correct?

14 A. Yes.

15 Q. A lot of people were angry she had been put in that
16 position, right?

17 A. Embarrassed, not angry.

18 Q. Pardon?

19 A. They were embarrassed she gave a statement to the cops.
20 The Gottis were embarrassed.

21 Q. When you say the Gottis were embarrassed, the police
22 obviously knew who they were questioning, correct?

23 A. I would assume so. I wasn't there. I really don't know
24 what they assumed.

25 Q. Well, with all due respect you testified about a lot of

Ruggiano-cross/Sharkey

1 things you weren't present at, right?

2 A. Uh-huh.

3 THE COURT: Don't answer that. And strike that
4 question and answer, please.

5 Q. Now, Mr. Ruggiano, you testified that as a result of
6 that incident there was a decision that your friend Frankie
7 Geech had to be killed, right?

8 A. Yes.

9 Q. And you were present during the planning of this murder,
10 right?

11 A. Yes.

12 Q. And you were an active participant in luring your friend
13 to a diner to be murdered, right?

14 A. Yes, I was.

15 Q. And you participated in the planning of that murder with
16 your uncle?

17 A. With my uncle?

18 Q. Who were the members who decided to murder Frankie
19 Geech?

20 A. Who decided is my father, Tony Lee, John Gotti, Johnny
21 Carneglia, Genie Gotti, Pete Gotti, Angelo Ruggerio. They
22 all met at the same time in my bar.

23 Q. You were present, right?

24 A. Yes, I was.

25 Q. Different roles were assigned to different people,

Ruggiano-cross/Sharkey

1 right?

2 A. Well, what happened was --

3 Q. Yes or no?

4 A. Yes.

5 Q. And your role was to lure Geech to the diner, right?

6 A. Yes.

7 Q. You told Geech that you wanted to get some money out of
8 the business; is that right?

9 A. I never told him anything. We sent a message to him
10 through his family.

11 Q. You sent the message?

12 A. No, my father did. I didn't send the message.

13 Q. Did the message include the fact that you would pick
14 Geech up?

15 A. The message was if he could please meet me by the
16 Lindenwood Diner, that I needed to see him.

17 Q. The reason you were picked as the person to meet your
18 friend is he trusted you, right?

19 A. Well, because I had a legitimate reason to meet him.
20 Nobody else did.

21 Q. You were his friend, right?

22 A. Yes.

23 Q. You were his business partner, right?

24 A. Yes.

25 Q. When you were planning this, it made sense for you to

Ruggiano-cross/Sharkey

1 set him up, because you were the closest with him, right?

2 A. Because we had a business association. They felt if I
3 -- if he was supposed to meet me he would know -- figure it
4 was about the shylock business because they felt he wouldn't
5 have just met anybody just to meet them, like he would have
6 never came because he would have been scared so we figured we
7 could have conned him into meeting me because we were in
8 business together and plus we were friends, so it all was,
9 you know -- it was different things going on.

10 THE COURT: All right. Excuse me. We'll break for
11 ten minutes, please.

12 (The jury exits the courtroom.)

13 THE COURT: Remove the witness, please. We broke in
14 the middle of this line of questions because the defendant
15 asked for a recess for personal reasons.

16 MS. SHARKEY: I'm sorry, Judge.

17 THE COURT: Read it back.

18 (Record read.)

19 MS. SHARKEY: Thank you, Judge.

20 (Recess taken.)

21 THE COURT: Bring in the defendant, please.

22 (The jury enters the courtroom.)

23 THE COURT: Sit down, please.

24 MS. SHARKEY: May I continue, your Honor?

25 THE COURT: Please.

Ruggiano-cross/Sharkey

1 BY MS. SHARKEY:

2 Q. Before we broke, Mr. Ruggiano, we were talking about
3 your setting up your friend to be murdered, right?

4 A. Yes.

5 Q. You had no compunction against doing that, right?

6 A. No, none at all.

7 Q. Happy to help, right?

8 A. Yeah, willing to help.

9 Q. Pardon.

10 A. I was willing to help, yes.

11 Q. You were willing to help plan and lure your pal there,
12 right?

13 A. Yes.

14 Q. Now let's talk about another murder in which you were
15 involved that actually happened?

16 A. Yes.

17 Q. And that was the murder of your sister's husband,
18 correct?

19 A. Yes.

20 Q. Frank Boccia, correct?

21 A. Yes.

22 Q. And you planned the murder of your sister's husband,
23 right?

24 A. I participated in the planning of it, yes.

25 Q. Well, you did more than plan it, you participated in it,

Ruggiano-cross/Sharkey

1 right?

2 A. Yes.

3 Q. Now, you testified earlier today that for years and
4 years and years you got high, correct?

5 A. Yes.

6 Q. And you used every drug under the sun in which to get
7 high, right?

8 A. Yes.

9 Q. Particularly crack cocaine and free base, right?

10 A. I liked cocaine.

11 Q. Well, you did heroin with Frank Boccia, didn't you?

12 A. I don't ever remember doing heroin with Frank Boccia. I
13 didn't like it. It used to make me sick. I did cocaine with
14 Frankie and smoked reefer with Frankie. I don't believe I
15 did heroin with him. Not to my knowledge, anyway.

16 Q. You got high with Frank Boccia, right?

17 A. Definitely.

18 Q. Did you introduce him to your sister?

19 A. Not at all.

20 Q. How did he meet your sister?

21 A. In the neighborhood from what I understand. I didn't
22 really know him, you know what I mean. I didn't know him up
23 until he met my sister. I would see him around. I knew
24 Peter Zuccaro. I didn't know Frankie that well.

25 Q. Frankie and Peter were friends, right?

Ruggiano-cross/Sharkey

1 A. Right.

2 Q. You were friends with Peter Zuccaro?

3 A. I wasn't friends with Peter. We interacted with each
4 other from the neighborhood. I wouldn't consider us friends.

5 Q. You would consider yourself friends with Frank Boccia at
6 sometime, right?

7 A. I really never liked him.

8 Q. Obviously.

9 A. Obviously.

10 Q. Now, Mr. Ruggiano, you used to get high with Frank
11 Boccia?

12 A. I had gotten high with Frank Boccia, yes.

13 Q. What year did your sister -- this is Christine?

14 A. Francine.

15 Q. The child that is depicted in that home movie that we
16 watched?

17 A. That was her christening, right.

18 Q. Your little sister's husband, right?

19 A. Yes.

20 Q. The father of your sister's child?

21 A. Yes.

22 Q. Now, you testified on direct examination that this
23 murder happened in 1988, right?

24 A. Yes.

25 Q. And prior to you're going to dry out in February of '88,

Ruggiano-cross/Sharkey

1 you were living in your mother's house, right?

2 A. Upstairs, right.

3 Q. And Frank Boccia and your sister were living at that
4 house, right?

5 A. Downstairs.

6 Q. Same house?

7 A. Yeah.

8 Q. Saw each other every day, correct?

9 A. Saw each other often. I didn't see him every day. We
10 saw each other often.

11 Q. In 1988, your sister became pregnant, right?

12 A. Yes, she did.

13 Q. And you testified that when you went to dry out, you
14 learned that Frank Boccia had injured your mother, correct?

15 A. He hit her, yeah.

16 Q. And you learned that that incident happened at the time
17 your sister was having a party in anticipation of having the
18 baby, right?

19 A. Well, the initial problem started at her baby shower.

20 Q. And are there any family videos of this event?

21 A. To my knowledge, no, I don't have any.

22 Q. And it is your testimony that the problem happened as a
23 result of him running up an expensive bar bill, right?

24 A. Yes.

25 Q. And your mother confronted him later on about that bar

Ruggiano-cross/Sharkey

1 bill, correct?

2 A. Yes.

3 Q. And he hit her, he assaulted her, correct?

4 A. Choked her.

5 Q. And you heard about that while you were drying out,
6 correct?

7 A. Yes. I called up my wife the next day to see how the
8 baby shower went and she told me what happened on the phone.

9 Q. And it is your mother, right?

10 A. Yes.

11 Q. You were angry?

12 A. Yes.

13 Q. You wanted to murder him, correct?

14 A. I wanted to seriously look into it and do something
15 about it, yes.

16 Q. You wanted to do something more than something?

17 A. Yes.

18 Q. You wanted to kill him, right?

19 A. Yes.

20 Q. And prior to your going to dry out, you hadn't heard
21 that he had assaulted your mother before, correct?

22 A. No.

23 Q. And in fact, to your knowledge, he hasn't hurt your
24 mother ever again, right?

25 A. After he choked her?

Ruggiano-cross/Sharkey

1 Q. After he choked her.

2 A. Yeah. There was one other incident after that. I found
3 out about it later on.

4 Q. After you murdered him or before you murdered him?

5 A. I found out about it before he got murdered.

6 Q. When did you find out about it?

7 A. After I found out he choked her and I got out of the
8 facility and I started paying attention and looking into
9 things, I found out little other things he did that I didn't
10 know about. He took her to the bank and forced her to
11 withdraw money out of the bank. He bounced the beeper off
12 her head and gave her a lump on the head. She lived in fear.
13 Every time I walked in the kitchen she would be trembling and
14 shake. I would say, Mom, what's the matter? She would say,
15 Nothing, nothing. I knew what was going on. I didn't want
16 to lead on to that I knew because we were planning to kill
17 him. I said, What's going on? Finally, one day I just told
18 her is Frankie abusing you? She was -- she goes, Leave him
19 alone, he's crazy, he'll kill you. Please, don't get
20 involved. She was fearful for me.

21 Q. Do you remember testifying -- 3500 AR 14-A. Do you
22 remember testifying in the Southern District of New York in
23 front of Judge Patterson on May 30 of 2007?

24 A. Yes.

25 Q. Page 247 line 14.

Ruggiano-cross/Sharkey

1 Do you remember being asked this question and giving
2 this answer:

3 "Question: To your knowledge, did Frank physically harm
4 your mother prior to going into rehab?

5 "Answer: To my knowledge, no."

6 A. Right.

7 "Answer: I don't know.

8 "Question: Did Frank to your knowledge harm your mother
9 after you got out of rehab?"

10 Answer by you: "When I was home, no.

11 "Question: So, during the 23 days while you were away
12 at rehab, how many times, to your knowledge, did Frank
13 physically harm your mother?

14 "Once."

15 Q. Did you give those questions and those answers under
16 oath in front of Judge Patterson on May 30, 2007?

17 A. Yes.

18 Q. Now, Mr. Ruggiano -- 247, 248.

19 Now, you were furious, right?

20 A. I was upset, yes.

21 Q. You murdered him, right?

22 A. Yes.

23 Q. And when you came home from rehab -- withdrawn.

24 How many days into rehab did you find this out?

25 A. Find what out?

Ruggiano-cross/Sharkey

1 Q. How long had you been in rehab before you had this
2 conversation with your ex-wife and you learned that there was
3 an altercation between your mother and your brother?

4 A. Maybe two weeks into it.

5 Q. And you stayed about another week, another two weeks,
6 correct?

7 A. I completed the program.

8 Q. And after you completed the program, you came out of the
9 program and you went to Tommy Lee, right?

10 A. Tony Lee.

11 Q. Right?

12 A. I went to Tony Lee.

13 Q. Tony Lee?

14 A. Yes.

15 Q. You went to Tony Lee and you told him that you wanted to
16 kill your sister's husband, right?

17 A. I went to Tony Lee, right, to tell him he choked my
18 sister and what are we going to go do about it. Choked my
19 mother. He said what do you want to do, kill him, and I
20 said, yeah, I want to kill him.

21 Q. Did you ever have a conversation with your sister about
22 this?

23 A. No.

24 Q. And you and Tony Lee went up to talk to your father,
25 right?

Ruggiano-cross/Sharkey

1 A. No.

2 Q. Who went up and talked to your father about killing your
3 brother-in-law?

4 A. I did by myself.

5 Q. You went up to your father and you told him you were
6 planning to murder your sister's husband, right?

7 A. No. I told him what happened, that Frankie choked mommy
8 and she's scared and, you know, what -- Tony and me want to
9 kill him. He looked at me and he goes -- he choked your
10 mother? He said what does he think, I'm dead? He said what
11 does this kid think, I'm dead? I said he don't give a shit
12 about you. He said do whatever you want. So, we did it.

13 Q. What you wanted to do was murder your sister's husband,
14 right?

15 A. Yes.

16 Q. You planned that murder, right?

17 A. Yes, we did.

18 Q. You planned that murder with Lee, right?

19 A. Yes.

20 Q. Who else was involved in the planning of the murder of
21 your brother-in-law?

22 A. Skinny Dom, Freddy Hot, Mikey Gow, Big Tommy, Tommy
23 Flash.

24 Q. And this planning of the murder of your sister's husband
25 went on for months, right?

Ruggiano-cross/Sharkey

1 A. Yes, it did.

2 Q. As your sister's baby grew inside her stomach, right?

3 A. Yes, it did.

4 Q. And you never approached your sister about your concerns
5 about her husband, right?

6 A. Never.

7 Q. You never said to your sister I don't trust this guy,
8 right?

9 A. No.

10 Q. You never asked him to leave the house, right?

11 A. No. I was very nice to him.

12 Q. Pardon.

13 A. I was very nice to him.

14 Q. Because you were luring him in to a trap to murder him,
15 right?

16 A. Yes.

17 Q. This planning went on for, I don't know, five, six
18 months; is that correct?

19 A. Two-and-a-half months.

20 Q. Well, you murdered him in June, right?

21 A. I got out of rehab in I think almost towards the end of
22 February and that's when it started, so, February, March,
23 April, three months.

24 Q. And how many --?

25 A. May, four months.

Ruggiano-cross/Sharkey

1 Q. I'm sorry?

2 A. Four months.

3 Q. Did you finish?

4 A. Four months.

5 Q. So, over a period of four months, while you lived with
6 Frank Boccia every day and your sister's baby developed
7 inside her stomach, you planned to murder him, right?

8 A. Yes.

9 Q. You pretended to be friends with him, right?

10 A. Yes, I did.

11 Q. You never spoke to him about the incident that happened
12 with your mother, right?

13 A. Never.

14 Q. You never expressed displeasure with him, right?

15 A. Never.

16 Q. How many times did you meet planning the murder?

17 A. At least a dozen times over the course of the couple of
18 months.

19 Q. You wanted to get it right, right?

20 A. Because Frankie was a dangerous guy. We had to get it
21 right or else he would have killed us.

22 Q. Your sister had the baby, right?

23 A. My sister had the baby, yes.

24 Q. Boy or girl?

25 A. She had a girl.

Ruggiano-cross/Sharkey

1 Q. What's the little girl's name?

2 A. Jenna.

3 Q. And that was in March; is that correct?

4 A. Yeah, March 13th.

5 Q. Of 1988?

6 A. Right.

7 Q. And there was a christening?

8 A. Yes, there was.

9 Q. And did you take a family video of that christening, Mr.
10 Ruggiano?

11 A. I didn't, but there is a video -- I have seen a video,
12 but it didn't belong to me. I think Frankie's family took
13 it.

14 Q. Did you offer to get it to be introduced at the trial?

15 A. No. I knew nothing about it until Dominic's trial. I
16 never knew that video even existed. I remember people taking
17 pictures but it wasn't my video. It belonged to Frankie's
18 family, I think. I don't know whose video it was. It wasn't
19 mine, but I have seen the video.

20 Q. Now, Mr. Ruggiano, you went to a party, a christening
21 for this child, right?

22 A. Yes, I did.

23 Q. And your mother was there?

24 A. Yes, she was.

25 Q. Your sister was there, right?

Ruggiano-cross/Sharkey

1 A. Yes, she was.

2 Q. Frank Boccia was there, right?

3 A. Yes, he was.

4 Q. Father of the child, right?

5 A. Yes, he was.

6 Q. And you cracked jokes with some of your pals that you
7 hoped he enjoyed the party because he wouldn't be alive much
8 longer, right?

9 A. Yes, we did.

10 Q. And who did you crack these jokes with?

11 A. Tommy Flash, Carl Amato, a few people, a few of us that
12 knew what was going on.

13 Q. You were enjoying it, right?

14 A. We were making light of it, yes.

15 Q. Now, you knew that after the child was born your
16 brother-in-law needed money, right?

17 A. Yes, I did.

18 Q. And you were looking for a way to set him up to kill
19 him, right?

20 A. Yes, I was.

21 Q. And you knew he owed lots of people money, right?

22 A. I don't really know who he owed money to.

23 Q. You knew his father was pressuring him for money, right?

24 A. Yes, I know, yes, I do.

25 Q. He was a criminal, too, right?

Ruggiano-cross/Sharkey

1 A. Who's that?

2 Q. Frank Boccia?

3 A. Yes, he was.

4 Q. He was part of your crime organization or the crime
5 organization in which you lived, breathed and committed
6 crimes every day, right?

7 A. Yes, he was.

8 Q. And he was good friends with Peter Zuccaro, right?

9 A. Yes, he was. He was codefendants with Peter, yes.

10 Q. Now, the ultimately you, Tommy Lee and everybody else
11 who was in on this plan came up with a plan, right?

12 A. Yes, we did.

13 Q. And the plan was to bring him to a social club and
14 murder him, right?

15 A. Yes.

16 Q. In fact, you decided to do this sometime this June,
17 right?

18 A. We decided to do it after the christening.

19 Q. The christening was in March, right?

20 A. No, the baby was born in March. The christening was
21 either the end of May -- we did it right after the
22 christening. A week or two after.

23 Q. Is that because you didn't want to spoil the party by
24 murdering the father of the child who was being christened?

25 A. We didn't want him to disappear before the christening.

Ruggiano-cross/Sharkey

1 We didn't want to ruin the party, yes.

2 Q. Now, Mr. Ruggiano, how many days did you wait until
3 after the christening?

4 A. The murder took place a week or two after the
5 christening.

6 Q. You were involved in planning the murder, right?

7 A. Yes.

8 Q. You bought a sleeping bag in which to hide his body,
9 right?

10 A. I bought a sleeping bag to put his body in not -- I
11 guess you could say to hide it.

12 Q. To hide his dead corpse, right?

13 A. Yes.

14 Q. And you in fact brought Frank Boccia to the social club
15 at which he was murdered, right?

16 A. Yes, I did.

17 Q. In fact you approached Frank Boccia and said I got a job
18 for you to do, right?

19 A. No. I told him Tony Lee had a score for him.

20 Q. When you say Tony Lee had a score for him, it wasn't
21 true, right?

22 A. No.

23 Q. In fact, that was designed to have him come down to the
24 social club so he could be killed, right?

25 A. Yes.

Ruggiano-cross/Sharkey

1 Q. Tony Lee is your father's partner, right?

2 A. Yes.

3 Q. The guy who watched out for you through all your drug
4 and drunk days, correct?

5 A. Yes.

6 Q. You and he were going to murder Frank Boccia, your
7 sister's husband, right?

8 A. Yes.

9 Q. You drove Frank Boccia to the club that day, right?

10 A. Yes, I did.

11 Q. And you brought him into the club, right?

12 A. Yes, I did.

13 Q. You brought him into the club knowing that he would be
14 slaughtered, right?

15 A. Yes, I did.

16 Q. And he was murdered, correct?

17 A. Yes, he was.

18 Q. He was shot numerous times, right?

19 A. Yes, he was.

20 Q. When did you bring the sleeping bag into the club in
21 order to hide his body?

22 A. The night before.

23 Q. And later on that day you just -- you went to work after
24 he was killed, right?

25 A. Yes, I did.

Ruggiano-cross/Sharkey

1 Q. You went to the numbers parlor; is that correct?

2 A. I went to the number office, yes.

3 Q. You just continued with your work, correct?

4 A. Yes, I did.

5 Q. Didn't say anything to anybody?

6 A. No.

7 Q. Were those people in on the killing?

8 A. Not the person I was working with, but Big Tommy was.

9 He wasn't there when we killed him, but we used his boat to
10 get rid of the body.

11 Q. Well, what time did you get off work that day?

12 A. After the ninth race. Whatever time the ninth race
13 ended. 4:30, five o'clock.

14 Q. Did your sister call?

15 A. During the course of the afternoon, yes, she beeped me.
16 I had a beeper, right.

17 Q. Did your sister call you to say she was worried and
18 didn't know where the father of her child was?

19 A. Yes.

20 Q. She told you she was concerned for his safety?

21 A. No. She just said where's Frankie, he never came home.

22 I said what, are you kidding me? She said no. I said what

23 do you want me to do? She said can you come here? I said

24 I'll come there after work. She said all right. I went back
25 to work.

Ruggiano-cross/Sharkey

1 Q. You never told her what happened, right?

2 A. Not at that point, no.

3 Q. And that day you went back to her house after work,
4 right?

5 A. Yes.

6 Q. And you feigned surprise that Frankie wasn't home yet,
7 right?

8 A. Yes, I did.

9 Q. You had known he had been murdered, right?

10 A. Yes, I did.

11 Q. Shot multiple times, right?

12 A. Yes.

13 Q. Stuffed into a sleeping bag that you bought and
14 delivered, right?

15 A. Yes, he was.

16 Q. And you also knew that the plan was to then unload his
17 body and dump it in the Atlantic, right?

18 A. Yes, he was.

19 Q. You never shared that with your sister, right?

20 A. Excuse me.

21 Q. You never shared it with your sister?

22 A. Did I share it with my sister, not at that point, no.

23 Q. In fact, Boccia's father showed up at the house at some
24 point, right?

25 A. I believe he was already there when I got there.

Ruggiano-cross/Sharkey

1 Q. His friend Peter Zuccaro was there?

2 A. And his mother.

3 Q. You pretended you didn't know what happened, right?

4 A. Yes, I did.

5 Q. You went on a drive around with these guys looking for
6 Frank, right?

7 A. Yes, I did.

8 Q. And you pretended you had dropped him off at some house
9 in the neighborhood earlier in the day?

10 A. I said I dropped him on the street corner. He didn't
11 live at my mother's house. They had their own apartment and
12 I said I dropped him on the corner of his apartment where he
13 lived with my sister.

14 Q. You didn't tell them he was dead, right?

15 A. No.

16 Q. Did you feel pretty good about it?

17 A. Did I feel pretty good about it at that time?

18 Q. Did you feel pretty good about successfully murdering
19 your sister's husband?

20 A. At that time, sure I did.

21 Q. Did you report back to your dad?

22 A. Yes, I did.

23 Q. Did you go up to tell him?

24 A. Yes, I did.

25 Q. What did you tell him?

Ruggiano-cross/Sharkey

1 A. I told him exactly what happened.

2 Q. What did he say to you?

3 A. He got a little annoyed that Dominic shot him so many
4 times.

5 Q. How many times did Tommy shoot him?

6 A. Dominic shot him.

7 Q. Dominic Pizzonia?

8 A. Yes.

9 Q. How many times did Dominic Pizzonia shoot him?

10 A. He shot him first about five times and then he came
11 running back into the front of the club. He was like
12 frantic. He said this fucking guy don't want to die and he
13 put more bullets in the gun and ran in the back and shot him.
14 I heard about another three shots. That was it.

15 Q. You stayed there the whole time, right?

16 A. Yes.

17 Q. Did you hear him screaming?

18 A. No, he really didn't scream. I looked in the back and
19 saw him laying on the floor. I saw half his torso laying on
20 the floor.

21 Q. When you went to speak to your father about this and he
22 expressed displeasure, was he unhappy that Pizzonia expended
23 so many bullets?

24 A. He was upset he shot him so many times. He said what
25 happened, he didn't want to die? He thought Dominic should

Ruggiano-cross/Sharkey

1 have shot him twice in the head, more neater. It was just --
2 he just was annoyed it was so sloppy, that Dominic had to
3 shoot him so many times. He felt Dominic should have been
4 more professional.

5 To them murder was like a job, you know, it is supposed
6 to be done right.

7 Q. To you murder is like a job?

8 A. Correct.

9 Q. Did you and your dad sit and talk about the best way to
10 blow somebody's brains out?

11 A. Points in time in our lives, yes.

12 Q. And, Mr. Ruggiano, did you attend any sort of memorial
13 service or anything else like that after you disposed of his
14 body?

15 A. For him?

16 Q. Yes.

17 A. No. I never admitted he was dead. I said he ran away,
18 what do I know. I never admitted he was dead.

19 Q. And, Mr. Ruggiano, did you comfort your sister when she
20 was upset that he never came home?

21 A. Yeah, I told her don't worry, he'll show up. You know
22 him, he probably ran away somewhere. He used to disappear,
23 go disappear for weeks and months at a time.

24 Q. Was your sister distraught?

25 A. Yes, she was.

Ruggiano-cross/Sharkey

1 Q. How old is your niece now?

2 A. She's getting ready to turn 20.

3 Q. Did you ever have a conversation with her about this?

4 A. No.

5 Q. Isn't one of the steps in your recovery program that a
6 person is supposed to make amends for their wrongdoing?

7 A. Yes, they are.

8 Q. You never reached out to your niece about the incident?

9 A. No, I have never gotten an opportunity to.

10 Q. How many times do you go to NA meetings a week?

11 A. Now?

12 Q. Yes.

13 A. Three or four times a week.

14 Q. You go through the 12 steps, right?

15 A. Yes.

16 Q. And one of the big ones is to make amends for your
17 wrongdoing, right?

18 A. Yes, step 8 and nine, right.

19 Q. Now, Mr. Ruggiano, you testified a couple of times that
20 you were friendly or that you knew Peter Zuccaro, correct?

21 A. Yes.

22 Q. And you knew Peter Zuccaro through the neighborhood,
23 right?

24 A. Yes.

25 Q. And you knew him through committing crimes, right?

Ruggiano-cross/Sharkey

1 A. Well, I never committed any crimes with him. I knew he
2 was a criminal.

3 Q. You spoke to the government about Peter Zuccaro, right?

4 A. Sure.

5 Q. You told them what you knew about him, right?

6 A. Yeah.

7 Q. And you told them that he and your brother-in-law raped,
8 stabbed and burned bodies behind the Lindenwood Diner, right?

9 A. I told them that they stabbed and burnt two bodies
10 behind the Lindenwood Diner.

11 Q. You told them Peter Zuccaro did that, right?

12 A. And my brother-in-law.

13 Q. Now, you have described yourself repeatedly as an
14 associate of the Gambino organized crime family, right?

15 A. Yes.

16 Q. As an associate of your father, Fat Andy, right?

17 A. Yes.

18 Q. And you have been involved in organized crime since you
19 were 14, 15 or 16 years old, right?

20 A. Yes.

21 Q. And, in fact, in the past you've even testified that you
22 were born to it, right?

23 A. I may have.

24 Q. Would you like to refresh your recollection?

25 A. I probably did. If you say so.

Ruggiano-cross/Sharkey

1 Q. Mr. Ruggiano, you committed the murder of Frank Boccia,
2 right?

3 A. Yes, I did.

4 Q. You attempted to lure your friend to be murdered behind
5 the diner, right?

6 A. Yes, I did.

7 Q. You were never invited to be a made member, were you?

8 A. Never.

9 Q. Now, you had problems throughout your association
10 because you were a junkie, right?

11 A. I don't know what you mean by problems.

12 Q. Well, everybody knew you had a bad drug habit, right?

13 A. Yeah.

14 Q. You testified before the break that you were an
15 embarrassment, right?

16 A. Yes.

17 Q. You were an embarrassment to your family, right?

18 A. Yes.

19 Q. You were an embarrassment to Tony Lee, right?

20 A. Yes.

21 Q. Tony Lee, right?

22 A. Yes.

23 Q. But your dad and his friends always took care of you,
24 right?

25 A. Yes.

Ruggiano-cross/Sharkey

1 Q. And now the government is taking care of you, right?

2 A. They're helping me with my finances.

3 Q. You're not in jail, right?

4 A. No.

5 Q. Now, you also know this -- you know who John Gotti is,
6 right?

7 A. Yes, I do.

8 Q. Obviously, you testified about him this morning,
9 correct?

10 A. Yes.

11 Q. Everybody knows who John Gotti; right?

12 A. I would assume so.

13 Q. You know that John Gotti didn't want you to participate
14 in a murder because of your drug problem, right?

15 A. Yes.

16 Q. Because you're deemed unreliable, right?

17 A. No. He told -- he knew I just got out of a treatment
18 facility and he didn't want me be involved. He thought maybe
19 I wouldn't handle it, I might relapse. They were concerned I
20 might relapse behind it.

21 Q. They were concerned about your sobriety, is that what
22 you're telling this jury?

23 A. Yeah.

24 Q. So, it is your testimony that John Gotti didn't want you
25 in on a murder because he wanted to protect your 12 step

Ruggiano-cross/Sharkey

1 recovery program; is that your testimony?

2 A. I don't know if he knew about the 12 steps, but he
3 didn't want me to go back on drugs.

4 Q. You know that John Gotti didn't want you in on the
5 murder because of your drug problem, right?

6 A. I know that he told -- he didn't want me there because
7 they were concerned that it would -- I would relapse. I --
8 could I continue?

9 Q. No.

10 A. All right.

11 MS. SHARKEY: 3500 13-B, page 2973.

12 Q. Were you asked this question and did you give this
13 answer at a prior proceeding under oath:

14 "Question: The only problem you were aware of is when
15 John Gotti didn't want you on the murder because of your drug
16 problem, right?

17 "Answer: Correct."

18 Do you remember being asked that question --?

19 A. Yes.

20 Q. -- and giving that answer under oath?

21 A. Yes.

22 Q. Is it your testimony today that the reason John Gotti
23 didn't want you in on the murder was because he was concerned
24 about your sobriety?

25 A. Well, that's part of the drug problem. It -- they

Ruggiano-cross/Sharkey

1 weren't concerned about me doing cooperating or because I was
2 a junkie, they were concerned that I wasn't mentally or
3 whatever prepared to do that because I just got out of a
4 treatment facility due to my drug program. He didn't want me
5 to go there because I was still in fact an active junkie. I
6 wasn't actively using drugs. When I got out of prison John
7 Gotti bought me a car because I needed a car and also gave me
8 money because I came out of a treatment facility and I had no
9 money. He wasn't really concerned about me being an active
10 addict to my knowledge.

11 Q. You're Fat Andy's son, right?

12 A. Yes, I was.

13 Q. Your dad was in jail, right?

14 A. Yes, he was.

15 Q. And throughout your entire life your drug addled days,
16 your dad's friends took care of you, right?

17 A. Yes, they did.

18 Q. They gave you jobs when you didn't show up, right?

19 A. Yes.

20 Q. They cut you in on shylocking when you had no dough,
21 right?

22 A. Yes.

23 Q. They gave you drugs to sell, correct?

24 A. Yes.

25 Q. Now, you testified on direct examination that you had

Ruggiano-cross/Sharkey

1 some conversation with Sonny Franchese after you were
2 released in 2004, right?

3 A. Yes.

4 Q. And Sonny Franchese is considered the underboss of a
5 crime family?

6 A. Yes.

7 Q. Which one?

8 A. The Colombos.

9 Q. You and he had the same parole officer?

10 A. Yes, he did.

11 Q. You met the same day or the same days of the week at
12 your parole officer's office?

13 A. Just that once. I only saw him there that one time.

14 Q. And you testified that Franchese said something to you
15 and was covering his mouth; is that correct?

16 A. Correct.

17 Q. Because he didn't want your conversation observed,
18 right?

19 A. Right. He said they're watching us through the cameras.

20 Q. Gee, did the government ever show you a clip from that
21 meeting on your parole officer's camera?

22 A. No.

23 Q. You never became a made member even though you
24 participated in this murder in '88, right?

25 A. Right.

Ruggiano-cross/Sharkey

1 Q. And you never became a made member after you
2 participated in the early eighties with the conspiracy to
3 murder Geech, right?

4 A. Correct.

5 Q. And you never became a made member after you obtained
6 sobriety, right?

7 A. Correct.

8 Q. Did you tell the powers that be in this organization
9 that you attended Narcotics Anonymous meetings and you were
10 ready to be made?

11 A. Oh, they all knew I went to NA.

12 Q. Mr. Ruggiano, you testified earlier today that you were
13 an associate and you were at the same level as your friend,
14 right, Glen Bitet?

15 A. When?

16 Q. Is Glen Bitet an associate?

17 A. Sure.

18 Q. Do you know where Glen Bitet is today?

19 A. I would assume he's still in Ozone Park. I have no
20 idea.

21 Q. He's not dead, right?

22 A. I wouldn't know. I haven't been in the neighborhood in
23 two-and-a-half years. I don't think he is.

24 Q. It is your testimony today when you're asked questions
25 by the government that Glen Bitet at the time that you came

Ruggiano-cross/Sharkey

1 out of jail was also an associate, right?

2 A. Yes, yes.

3 Q. And you know that Bitet is alive and well out on the
4 street, right?

5 A. I guess so.

6 Q. Pardon?

7 A. I guess so.

8 Q. Now, the conversations that you say you had with Mr.
9 Bitet about a condo scheme --?

10 A. Yes.

11 Q. -- there were no witnesses to those conversations,
12 right?

13 A. Actually, no. Just him and I were talking alone.

14 Q. And you testified for you to have these conversations
15 with Glen Bitet or at least one of them, you ran through a
16 number of backyards, right?

17 A. No. I ran through a number of backyards to meet with
18 Sal Pecchio, to see Sal Pecchio.

19 Q. Well, the conversations that you say you had with Glen
20 Bitet, they were never recorded, right?

21 A. Not to my knowledge.

22 Q. You say that this conversation that you say now you had,
23 there was never any witness to the conversation, right?

24 A. No.

25 Q. It is just your word that these conversations happened,

Ruggiano-cross/Sharkey

1 right?

2 A. Yeah.

3 Q. And you have been around a lot of conversations that you
4 say just happened when you weren't present at the event
5 yourself, right?

6 A. Could you repeat that question, please?

7 Q. Yeah. During the course of your testimony today, you've
8 testified about a number of events that people told you about
9 that you weren't actually present at, right?

10 A. Yes.

11 Q. And people told you because you were a junkie and a drug
12 addict, people confided in you in your role in the family as
13 a junkie and a drug addict?

14 A. When those conversations were told to me I was not a
15 junkie and a drug addict.

16 Q. Were you a junkie and a drug addict in the eighties?

17 A. Mid eighties, yes.

18 Q. Were you a junkie and drug addict throughout the
19 eighties? So you say you got sober in 88, right?

20 A. Right, from 83, 84 to 88.

21 Q. You were using drugs since you were 13 years old; isn't
22 that true, Mr. Ruggiano?

23 A. Yes.

24 Q. You were always Fat Andy's kid, the junkie, right?

25 A. Yes.

Ruggiano-cross/Sharkey

1 Q. It is your testimony today that you went out of your way
2 to have these conversations with Glen Bitet after you were
3 released from jail in 2004, right?

4 A. I don't believe I said I went out of my way.

5 Q. You had a number of these conversations, Mr. Norris
6 questioned you and you said you had two or three
7 conversations about Bitet's problems with a condo scheme,
8 right?

9 A. Right.

10 Q. You didn't want to have those conversations, you said,
11 right?

12 A. No, I didn't.

13 Q. You weren't interested in having those conversations?

14 A. No, I wasn't.

15 Q. But you had two, three conversations about this?

16 A. I had three conversations with Glen.

17 Q. And the only person who purportedly witnessed these
18 conversations was Mr. Bitet, right?

19 A. Yes.

20 Q. And Mr. Bitet, an associate, went to you, an associate,
21 a junkie, for help, that's what you're telling this jury?

22 (No response.)

23 Q. Yes or no, Mr. Ruggiano?

24 A. When I spoke to Glen Bitet I was clean. To classify me
25 as a junkie at that point, yeah, I was a non-using junkie.

Ruggiano-cross/Sharkey

1 Q. You're the go to guy, the guy who just gets out of jail
2 who has been a junkie over a decade, Fat Andy's pathetic son,
3 you are the go to guy; is that your testimony?

4 A. Yes, it is.

5 Q. You're the go to guy in the whole crime family, huh?

6 A. No, I was Glen's go to guy.

7 Q. You're pretty familiar with the legal system, right?

8 A. I guess, yes.

9 Q. Gone to jail a number of times?

10 A. Uh-huh.

11 Q. Had a number of different lawyers, right?

12 A. Yeah.

13 Q. You went to trial in Florida?

14 A. No, I didn't go to trial. I took a plea. I went to
15 trial once in my whole life.

16 Q. You're good friend Robert Engel was cooperating against
17 you, right?

18 A. Yes, in Florida.

19 Q. And have you talked to Robert Engel since that time?

20 A. No.

21 Q. You testified on direct examination that you didn't know
22 or you didn't follow any of these incidents in the newspaper,
23 right?

24 A. What incidents is that?

25 Q. Anything that you would be testifying about.

Ruggiano-cross/Sharkey

1 A. No.

2 Q. Well, when you were in jail in Florida, your lawyer used
3 to send you the Gangland column; isn't that true?

4 A. Not in Florida. She used to send it to me when I was in
5 Schuylkill.

6 Q. And the Gangland column is an Internet site that
7 individuals who are interested in your business follow with
8 great interest, correct?

9 A. Yeah.

10 Q. Still read Gangland?

11 A. No, I don't.

12 Q. Now, of all your arrests --?

13 A. Uh-huh.

14 Q. And all your time in jail, the best deal you have ever
15 cut is with these prosecutors, right?

16 A. I don't know how to answer that question. I don't know
17 what you want.

18 Q. Yes or no?

19 A. The best deal I cut?

20 Q. Yes.

21 A. I cooperated. I'm cooperating.

22 Q. In 1978, for a burglary you got two years or a year and
23 a half?

24 A. I got five years and I did two-and-a-half years.

25 Q. Well, for the murder, the racketeering, the gambling,

Ruggiano-cross/Sharkey

1 the conspiracy to murder, you spent how long in jail?

2 A. So far?

3 Q. Yeah.

4 A. Ten days.

5 Q. And you know that if you didn't cooperate you were
6 facing life without parole, right?

7 A. Yes.

8 Q. There is no parole in the federal system, you're aware
9 of that, right?

10 A. Yes.

11 Q. You're aware of some people cooperating, right?

12 A. Yeah.

13 Q. You know Michael DiLeonardo is out, right?

14 A. I don't know where Michael DiLeonardo is.

15 Q. You know Mikey Scars is not in jail, right?

16 A. I have no idea where Mikey Scars is.

17 Q. You know that Sammy the Bull Gravano got five years for
18 19 murders, right?

19 A. Yes.

20 Q. You know that other cooperating witnesses spent very
21 little time in jail in return for their cooperation with
22 prosecutors, right?

23 A. Yes.

24 Q. You're hoping never to spend another day in jail; isn't
25 that true?

Ruggiano-cross/Sharkey

1 A. Yes, it is.

2 Q. And you will work as hard as you need to stay out of
3 jail, right?

4 A. All I have to do is tell the truth.

5 Q. You say you have to tell the truth, right?

6 A. Yes, I have to tell the truth.

7 Q. You have to work with the prosecutors --?

8 THE COURT: Excuse me. Let him finish.

9 MS. SHARKEY: I apologize, Judge.

10 Q. Did you finish?

11 A. I'm never working with them. I don't work for them. I
12 am telling the truth, I made an agreement.

13 Q. Pardon.

14 A. I made an agreement.

15 Q. All of a sudden this agreement to you is more important
16 than anything, right?

17 A. It is very important to me.

18 Q. More important to you because you never want to spend
19 another day behind bars, right?

20 A. Hopefully, yes.

21 Q. And the individuals who determine whether or not you're
22 telling the truth, the legal seers, if you will, are seated
23 at this table, right? Yes or no?

24 A. Yes, I guess they determine if we're telling the truth
25 or not.

Ruggiano-cross/Sharkey

1 Q. The persons drafting your 5K1 letter are the very
2 persons that you're testifying for today, right?

3 A. Testifying because that's the deal I made for the
4 government, to testify. It is my -- I have to testify now.
5 I signed an agreement -- a cooperation agreement.

6 Q. You signed a cooperation agreement and you just told the
7 members of this jury you have to tell the truth, right?

8 A. Of course, or I violate my agreement.

9 Q. Now, you told them that Peter Zuccaro and Frank Boccia
10 raped, stabbed and murdered and burnt two people behind the
11 Lindenwood Diner, right?

12 A. Yes, I told them that they stabbed and burnt two people
13 behind the Lindenwood Diner.

14 Q. You're aware that Peter Zuccaro has never been charged
15 with those murders?

16 A. I have no idea if he was ever charged with them.

17 Q. You're aware that he was never charged with those
18 murders that you were debriefed about, right?

19 A. At that point, yes.

20 Q. And this concept of telling the truth, it is rather
21 fluid, don't you think?

22 A. I have to tell the truth.

23 Q. You say you have to tell the truth. You told them that
24 Zuccaro raped, burned and murdered two people behind the
25 Lindenwood Diner, right?

Ruggiano-cross/Sharkey

1 A. Yes.

2 Q. And you know Zuccaro has never been charged with those
3 murders, right?

4 A. I -- up to today I don't know if he got charged. When I
5 told them that he wasn't charged with those murders. If he
6 did after that, I have no -- no knowledge of that.

7 Q. The truth is a rather slippery concept in the context of
8 your testimony, don't you think, sir?

9 A. I don't know what you mean by that.

10 Q. Now, how many times did you meet with the prosecutor
11 prior to your testifying in court today?

12 A. Today -- three times I met with them.

13 Q. Over the course of your cooperating with the government,
14 how many times did you meet with the prosecutors?

15 A. I met with different prosecutors at different times.

16 Q. After you made that 911 in 2006 to call the FBI to
17 cooperate, how many times did you meet with government
18 attorneys?

19 A. Over a dozen times.

20 Q. How many times did you meet with agents?

21 A. There's always agents present when I meet --.

22 Q. Pardon.

23 A. There's always agents present when I meet with the U.S.
24 Attorneys.

25 Q. And prior to you're testifying in this proceeding, you

Ruggiano-cross/Sharkey

1 told Mr. Norris that you practiced your testimony, right?

2 A. I didn't practice it. We went over it. He asked me
3 questions and I answered them. We didn't practice. It ain't
4 a Broadway play.

5 Q. I'm sorry.

6 A. We didn't practice. We just went over stuff.

7 Q. When you say you just went over stuff, he told you the
8 questions he was going to ask, right?

9 A. He asked me questions. He didn't tell me if they were
10 in fact -- I assumed those were the questions he was going to
11 ask.

12 Q. He showed you the exhibits that were going to be
13 introduced through your testimony?

14 A. He just showed me the pictures and we went over the
15 video that was played at my sister's christening.

16 Q. You were asked questions that resembled
17 cross-examination questions, receipt?

18 A. Yes, I was.

19 MS. SHARKEY: Nothing further.

20 THE COURT: Thank you. Any redirect?

21 MR. NORRIS: Very briefly. May I have one moment
22 to confer?

23 THE COURT: Of course.

24 (Pause in proceedings.)

25 REDIRECT EXAMINATION

Ruggiano-redirect/Norris

1 BY MR. NORRIS:

2 Q. On cross-examination Ms. Sharkey asked you if you were
3 ever invited to become a made member of the Gambino family.

4 Do you recall that?

5 A. Yes.

6 Q. You said no, do you recall that?

7 A. Yes.

8 Q. Now, you testified on direct examination that you were
9 twice proposed to become a made member of the Gambino family?

10 A. Yes.

11 Q. To be clear, you were twice proposed but never
12 ultimately inducted, correct?

13 A. Yes.

14 Q. The last time you were proposed you actually got out of
15 prison in 2004, correct?

16 A. Yes, it was.

17 Q. Before you get inducted or invited into the family you
18 were arrested again in June 2006, correct?

19 A. Yes.

20 Q. Now, Ms. Sharkey also asked you a number of times about
21 what you told the government with respect to what Peter
22 Zuccaro and your brother-in-law did behind the Lindenwood
23 Diner. Do you remember those questions?

24 A. Yes, I did.

25 Q. She asked you a number of times whether you told the

Ruggiano-redirect/Norris

1 government Peter Zuccaro and your brother-in-law raped,
2 burned and murdered two people behind the Lindenwood Diner.
3 Do you recall that?

4 A. Yes.

5 Q. Just to clarify your testimony, what did you tell the
6 government?

7 A. Brother-in-law told me they killed a guy and girl behind
8 the diner, cut their throats and burnt them.

9 Q. Did you tell the government they raped anyone?

10 A. I don't remember saying that.

11 Q. Is it your understanding they raped either the man or
12 the woman?

13 A. It was. He never told me they raped the woman. He told
14 me they cut their throat and burned them. Gossip later we
15 heard the woman was raped.

16 Q. Your brother-in-law told you they cut up and burned the
17 bodies, correct?

18 A. Yes.

19 Q. I show you what's been marked for identification as
20 Government Exhibit 3500 AR-3A. Please take a look at that.

21 Do you recognize that?

22 A. Yes, I do.

23 Q. What is it?

24 A. It is my cooperation agreement.

25 Q. Turn to the last page. Is that your signature on the

Ruggiano-redirect/Norris

1 last page?

2 A. Yes, it is.

3 MR. NORRIS: We offer it.

4 MS. SHARKEY: Objection.

5 THE COURT: What number are you offering it as?

6 MR. NORRIS: Can we keep the same number on it
7 currently?

8 THE COURT: Whatever you wish.

9 MR. NORRIS: Government Exhibit 3500-AR-3A.

10 THE COURT: Admitted with redactions.

11 MR. NORRIS: Yes.

12 THE COURT: I've ordered redactions, that is,
13 material excised from a number of these exhibits that show
14 cooperation agreements to avoid the necessity of your looking
15 at technical matters so that you'll have the exhibit, but it
16 will flow more readily and it will be easier for you. That's
17 what redaction means.

18 Admitted.

19 Q. Sir, you killed your brother-in-law, didn't you?

20 A. Yes, I did.

21 Q. And as part of your cooperation you pled guilty to that,
22 didn't you?

23 A. Yes, I did.

24 Q. When you started cooperating, in addition to pleading
25 guilty to that murder, what did you agree to do?

Ruggiano-redirect/Norris

1 A. To tell the truth.

2 Q. Have you done that?

3 A. Yes, I have.

4 MS. SHARKEY: Objection.

5 Q. Have you lied to the government?

6 THE COURT: Excuse me. You're objecting to that
7 answer?

8 MS. SHARKEY: Yes.

9 THE COURT: Overruled.

10 A. Could you repeat the question, please?

11 Q. Yes. When you started cooperating, in addition to
12 pleading guilty to murder, what did you agree to do?

13 A. To tell the truth.

14 Q. Have you done that?

15 A. Yes, I have.

16 Q. Have you lied to the government?

17 A. Not at all.

18 Q. Have you lied to this jury?

19 A. No, I haven't.

20 Q. What happens to your cooperation agreement if you lie?

21 A. It gets thrown out in the garbage pale.

22 Q. Do you get to take your guilty plea back?

23 A. No, I don't.

24 Q. What is the maximum penalty you face?

25 A. Life without parole.

1 Q. Who decides your sentence?

2 A. The Judge.

3 Q. This Judge?

4 A. Yes, Judge Weinstein.

5 THE COURT: No. Don't refer to me in any further
6 such questions. The jury is not interested in who decides
7 his sentence. Is that clear? It will be decided by a Judge,
8 not by you. That's enough.

9 Q. Does your sentence depend on the outcome of this trial?

10 A. No.

11 Q. Sitting here today, do you have any idea what your
12 sentence will be?

13 A. No, I don't.

14 MR. NORRIS: No further questions.

15 THE COURT: All right. Do you have another witness?

16 MR. BURLINGAME: We do, Judge. We have a brief
17 witness.

18 THE COURT: All right. This witness is excused.

19 THE WITNESS: Thank you, your Honor.

20 MR. BURLINGAME: The government calls Joy Giovi.

21 J O Y G I O V I , called as the witness herein,
22 having been first duly sworn/affirmed, testified as follows:

23 THE CLERK: You may be seated. Please state and
24 spell your name for the reporter.

25 THE WITNESS: Joy, J-o-y, Girard, G I R A R D.

Girard-direct/Burlingame

1 MR. BURLINGAME: May I inquire, Judge?

2 THE COURT: Please.

3 DIRECT EXAMINATION

4 BY MR. BURLINGAME:

5 Q. Before we get started to clarify the record, what was
6 your maiden name?

7 A. Giovi, G-i-o-v-i.

8 Q. Good afternoon, Ms. Girard. Where did you grow up?

9 A. Brooklyn, East New York.

10 Q. How long have you lived in East New York?

11 A. Till I was about 18, 19.

12 MR. FARBER: Judge, I'm sorry, I'm having trouble
13 hearing the witness.

14 Q. If you could keep your voice up, speak into the
15 microphone?

16 A. 18 or 19.

17 Q. Where did you move after that?

18 A. Ozone Park area.

19 Q. Do you still live in New York City?

20 A. No.

21 Q. When did you leave New York?

22 A. 2006. Three years ago, January.

23 Q. What do you do for a living?

24 A. I'm a cosmetologist, hair, make up.

25 Q. Do you have children?

Girard-direct/Burlingame

1 A. Yes, I do.

2 Q. How many?

3 A. Two.

4 Q. Are you familiar with the Blue Fountain Diner?

5 A. Yes, I am.

6 Q. Where is that located?

7 A. Howard Beach.

8 Q. I'm showing you what's been marked Government's Exhibit

9 26. Do you recognize that?

10 A. Yes, I do.

11 Q. What is that?

12 A. That's the Blue Fountain Diner.

13 MR. BURLINGAME: Move to admit Government's Exhibit

14 26, Judge.

15 THE COURT: Admitted.

16 Q. During the time you lived in New York, did you know
17 someone named Michael Cotillo?

18 A. Yes.

19 Q. I'm showing you what's been marked Government's Exhibit
20 21. Do you recognize that person?

21 A. Yes.

22 Q. Who is that?

23 A. That's Michael Cotillo.

24 MR. BURLINGAME: Offer it, Judge.

25 THE COURT: Admitted.

Girard-direct/Burlingame

1 Q. Is Michael Cotillo alive or dead?

2 A. Deceased.

3 Q. Do you know how he died?

4 A. Yes.

5 Q. How?

6 A. Stab wound.

7 Q. Were you present the night he was stabbed?

8 A. Yes.

9 Q. Where did the stabbing take place?

10 A. Outside the Blue Fountain Diner.

11 Q. Did you see who stabbed him?

12 A. No.

13 Q. What time did the stabbing take place?

14 A. At night.

15 Q. Do you know the date of the attack?

16 A. The weekend of November 5th or 6th.

17 Q. Do you know the year?

18 A. 1977.

19 Q. How do you remember the date so specifically?

20 A. It was the weekend of my birthday. November 7th is my
21 birthday.

22 Q. Have you ever been present at the scene of another
23 stabbing?

24 A. No.

25 Q. Why were you at the Blue Fountain Diner that night?

Girard-direct/Burlingame

1 A. I went to eat something.

2 Q. Do you remember the names of any people you saw at the
3 diner that night, either inside the diner or outside the
4 diner?

5 A. Yes.

6 Q. Could you run through some names, please?

7 A. Paul Forgione (ph.), Michael Cotillo, Carl Amato, boy by
8 the name of Phil, I can't recall the last name, Tommy
9 Raginski (ph.), Charlie Carneglia

10 Q. I'm showing you what's in evidence as Government's
11 Exhibit 2 C-2. Do you recognize that person?

12 A. Yes.

13 Q. Who is that?

14 A. Charles Carneglia.

15 Q. Did you meet with me to prepare to testify this week?

16 A. Yes.

17 Q. And when we met, did we run through photos?

18 A. Yes.

19 Q. Was there a person whose photo you recognized as being
20 someone who was at the diner that night but you were unable
21 to remember their name?

22 A. Yes.

23 Q. I'm showing you what is in evidence as Government's
24 Exhibit 2 EEEE, as in Edward.

25 A. Yes.

Girard-direct/Burlingame

1 Q. Is that the person you remember was there that night but
2 you can't remember the name?

3 A. Yes.

4 Q. If you could just take us through your night from the
5 time you arrived at the diner, the night that Michael Cotillo
6 was stabbed.

7 A. Upon arriving at the diner, I went to the diner, I
8 parked my vehicle on the north side of the diner's parking
9 lot. I didn't enter the diner immediately because I sat in
10 the car with an acquaintance and I smoked a little bit of
11 marijuana and just stayed in the car for a little bit, kind
12 of dozed off and just relaxed. And eventually when I woke
13 up, I went into the diner because I was hungry, I wanted to
14 eat something.

15 Q. What did you do when you got to the diner, where did you
16 go?

17 A. I went to the counter area, right side of the diner near
18 the restroom.

19 Q. Were people in the diner at that time of night?

20 A. Yes.

21 Q. What happened while you were sitting at the counter?

22 A. A lot of people were in there, lots of talking. It
23 became loud and seemed to be possibly arguing, confrontation.

24 Q. What happened after the confrontation inside the diner?

25 A. Well, it escalated and proceeded to go outside the

Girard-direct/Burlingame

1 diner.

2 Q. What happened next?

3 A. Lots of people surrounded the front area of the diner
4 and fighting, arguing.

5 Q. Were you able to see outside the diner from where you
6 were sitting?

7 A. Not from where I was sitting.

8 Q. Did you go look outside?

9 A. Eventually, we tried to leave the diner, but that was
10 impossible. The doors had been locked.

11 Q. Do you know why the doors were locked?

12 A. I believe the owners were afraid, fearful for what was
13 happening.

14 Q. What did you observe happening outside the diner?

15 A. Lots of yelling, arguing, confrontation, fighting.

16 Q. Were the doors unlocked and you were eventually able to
17 go outside?

18 A. Eventually, yes.

19 Q. What happened when you went outside?

20 A. I stood on the top landing of the stairway. I wanted to
21 make my way down.

22 Q. What did you observe, hear?

23 A. People screaming, crying.

24 Q. Did you hear Michael Cotillo say anything?

25 A. Yes, I did.

Girard-direct/Burlingame

1 Q. What did he say?

2 A. Help me, I'm dying.

3 Q. Where was he when you heard him say this?

4 A. Below me, in between the diner stairs and the curbside.

5 Q. Did you see his wound that night?

6 A. No.

7 Q. Did you see what happened to him after he told you help
8 me, I'm dying?

9 A. I just believed people were holding him, waiting for
10 help, calling for help.

11 Q. Did help arrive?

12 A. Yes.

13 Q. How?

14 A. Police arrived on the scene.

15 Q. What happened to Cotillo after the police arrived?

16 A. He was taken into the car to a hospital.

17 Q. Do you know which hospital he was taken to?

18 A. I believe it was Interboro Hospital in Brooklyn.

19 Q. Do you recall if anyone else was injured that night?

20 A. Yes, actually.

21 Q. Friend of yours?

22 A. An acquaintance.

23 Q. Was it the gentleman whose name you can't remember?

24 A. I believe so.

25 Q. What injury did he receive that night?

Girard-direct/Burlingame

1 A. There was an injury to one of his hands.

2 Q. What sort of injury?

3 A. A cut. Some type of cut.

4 Q. How do you know his hand was cut that night?

5 A. He was bleeding.

6 Q. Did you see his hand?

7 A. Yes.

8 Q. What, if anything, did you do with your friend whose
9 hand was cut?

10 A. I helped take him to the hospital.

11 Q. Were others with you when you took him to the hospital?

12 A. Yes.

13 Q. Do you remember who they were?

14 A. No, I don't.

15 Q. Do you know how your friend cut his hand?

16 A. I believe in the middle of --.

17 MS. SHARKEY: Objection.

18 A. -- the fighting, possibly trying --.

19 MS. SHARKEY: Objection.

20 THE COURT: Strike it. Try to establish how she
21 thinks she knows.

22 Q. When you were driving your friend to the hospital that
23 night and when you first observed his cut hand, was he upset
24 over the fact his hand had been cut?

25 A. Yes.

Girard-direct/Burlingame

1 Q. Did you ask him how his hand was cut while he was upset?

2 A. Yes.

3 Q. Did he tell you?

4 A. Yes.

5 Q. What did he tell you?

6 MS. SHARKEY: Objection.

7 THE COURT: You may answer.

8 A. Trying to stop a fight.

9 Q. Did your friend have a knife on him that night?

10 A. Yes, he did.

11 Q. Did you look at it?

12 A. Yes, I did.

13 Q. Why did you look at it?

14 A. Because he was in my vehicle and I was trying to help
15 him, I wanted to make sure he was not involved in this
16 incident.

17 Q. You wanted to make sure he wasn't the person who stabbed
18 Michael Cotillo?

19 A. Yes.

20 Q. What were you going to learn by looking at his knife?

21 A. If it had blood on it.

22 Q. Did it?

23 A. No.

24 Q. The knife was clean?

25 A. Yes.

Girard-direct/Burlingame

1 Q. So, then you took him to the hospital?

2 A. Yes.

3 Q. How many hospitals did you go to that night?

4 A. Two.

5 Q. Which ones?

6 A. Interboro in Brooklyn and Jamaica Hospital.

7 Q. Why did you take your friend to two hospitals that
8 night?

9 A. Interboro Hospital, obviously, there was a lot of police
10 at the hospital. I believe that's where they had taken
11 Michael, so we left that hospital and went to Jamaica
12 Hospital.

13 Q. Did your friend give his real name when he received
14 treatment at Jamaica Hospital?

15 A. No, I don't believe he did.

16 Q. Do you know why not?

17 A. He was afraid, didn't want to be involved in the
18 incident.

19 Q. Did he receive treatment at Jamaica Hospital?

20 A. Yes, I believe he did.

21 Q. What did you do next, after you took your friend to the
22 hospital?

23 A. We left the hospital.

24 Q. Where did you go?

25 A. Back to the diner area.

Girard-direct/Burlingame

1 Q. Do you remember why you returned to the diner?

2 A. I wanted to let whoever was in my car out.

3 Q. So, their cars were still back at the diner?

4 A. Yes, or in that area. Uh-huh.

5 Q. What happened when you got back to the diner?

6 A. People got out of the car. I wanted to get out of the
7 diner and -- the diner area, and I made a turn into the
8 parking lot area and hit a cement divider which divided two
9 parking lots, the diner and the business.

10 Q. Were you able to get your car off of the cement divider?

11 A. No, I wasn't.

12 Q. The car was stuck there?

13 A. Yes, it was.

14 Q. Were you upset about getting your car stuck on the
15 divider?

16 A. Yes, I was.

17 Q. Why were you upset about that?

18 A. My car was the only car left in the diner. It was
19 totaled, my whole entire front end, and I was afraid I
20 couldn't leave the diner and I knew the police confiscated my
21 license plate number.

22 Q. You realized the police would come and talk to you?

23 A. Yes.

24 Q. Why was that upsetting to you?

25 A. I was afraid. I didn't want to be involved in this.

Girard-direct/Burlingame

1 Q. Are you afraid to be here today?

2 A. Yes.

3 MS. SHARKEY: Objection.

4 THE COURT: I will allow it for purposes of
5 credibility, assessment only, only.

6 Q. Are you afraid to be here today?

7 A. Yes, I am.

8 Q. Did you volunteer to testify here today?

9 A. No, I didn't.

10 Q. Were you compelled to testify by being served with a
11 subpoena?

12 A. Yes, I was.

13 Q. You testified you smoked marijuana earlier in the night.
14 At what point in the night was that again?

15 A. Very early evening when I first arrived.

16 Q. You testified you fell asleep after you smoked the
17 marijuana?

18 A. Yes, I dozed off.

19 Q. When did you go into the diner?

20 A. I would say about a half hour, 45 minutes later.

21 Q. When you went into the diner, was the marijuana still
22 having any effect on you?

23 A. No. I only took a -- one or two little puffs.

24 Q. Do you remember the events you testified to here today
25 clearly?

Girard-cross/Farber

1 A. Yes, I do.

2 MR. BURLINGAME: Excuse me, Judge.

3 (Pause in proceedings).

4 MR. BURLINGAME: Nothing further, Judge.

5 CROSS-EXAMINATION

6 BY MR. FARBER:

7 Q. Good afternoon, ma'am.

8 A. Good afternoon.

9 Q. Going back to the night of March 18th, 1978, you said
10 you had been smoking pot in your car?

11 A. Yes, I was.

12 Q. In fact, you were not alone, you were with somebody by
13 the name of George LoCastro; is that correct?

14 A. I believe so. I wasn't sure of the name, but I believe
15 so.

16 Q. Does that name sound familiar to you now?

17 A. Yes, it does.

18 Q. In fact, George LoCastro was your boyfriend back then?

19 A. No, I wouldn't say that.

20 Q. You were close friends?

21 A. Acquaintances.

22 Q. You were smoking pot together?

23 A. I believe so.

24 Q. And you both fell asleep?

25 A. That's possible.

Girard-cross/Farber

1 Q. You had gotten to the diner around nine o'clock that
2 evening?

3 A. I would believe that's correct.

4 Q. What time did the stabbing take place?

5 A. That I don't know.

6 Q. Was it sometime in the early morning hours, three
7 o'clock in the morning, thereabouts?

8 A. I don't remember, the evening time.

9 Q. Sometime after the bars in the areas had closed, am I
10 correct?

11 A. That I'm not sure of.

12 Q. You weren't sitting in the diner for hours, were you?

13 A. I don't remember sitting in the diner for hours, no.

14 Q. So, in fact, when you say you got to the parking lot
15 around nine o'clock in the evening and you fell asleep, you
16 actually passed out for hours?

17 A. Excuse me?

18 Q. You were asleep for hours?

19 A. I don't recall that.

20 Q. But you recall definitely being there at nine o'clock in
21 the evening and falling asleep?

22 A. I can't give an exact time. I'm sorry, sir.

23 Q. Okay. Some point you do go inside the diner?

24 A. Yes.

25 Q. And now this diner you have been to before?

Girard-cross/Farber

1 A. Yes.

2 Q. It is a popular place for young people at that time?

3 A. For everyone, yes.

4 Q. And, in fact, two specific groups used to hang out
5 there, guys from Howard Beach and guys from a region called
6 the Cityline?

7 A. Yes. People from all over went to the diner.

8 Q. But do you remember those two groups in particular?

9 A. I would say they went to the diner, yes.

10 Q. Now, just so the jury understands, when I say Cityline,
11 do you know what I mean?

12 A. Absolutely, I live there, sir.

13 Q. Can you explain to the jury what that means?

14 A. Cityline is actually the borderline between Brooklyn and
15 Queens.

16 Q. And Howard Beach is located where?

17 A. In Queens.

18 Q. And the group of men that I'm describing, they are all
19 around their early twenties?

20 A. I would assume so.

21 Q. Do you recall that? I don't want you to assume.

22 A. Yes.

23 Q. Is it fair to state on a fairly frequent basis fights
24 had broken out at this diner in the past prior to the night
25 of the stabbing?

Girard-cross/Farber

1 A. I wouldn't know that, sir.

2 Q. Did you witness any fights?

3 A. No, I hadn't.

4 Q. Now, the night in question, you did describe a fight?

5 A. Yes.

6 Q. And how many participants were in this fight from which
7 you recall?

8 A. Many.

9 Q. Between 20 and 40 young men approximately?

10 A. I would say so.

11 Q. And is it fair to say that the fight, as you perceived
12 it, or as you saw it was different groups all going at each
13 other?

14 A. Yes.

15 Q. There was punching, screaming, all that?

16 A. Yes.

17 Q. And at first the owners of the diner tried to lock the
18 door?

19 A. I believe they did lock the door.

20 Q. And the fight actually started somewhere in the foyer
21 area of the diner?

22 A. Somewhat. I think there was arguing inside the diner,
23 went to the foyer of the diner and outside of the diner.

24 Q. Do you have any recollection how the fight started?

25 A. It was over a situation.

Girard-cross/Farber

1 Q. Was that situation about a certain girl being
2 disrespected by a guy inside the diner?

3 A. I don't know if I would use those words personally, but
4 I believe it was over a female.

5 Q. Do you recall the name of the female?

6 A. No, I don't.

7 Q. Do you recall the name of the man who disrespected her?

8 A. No, I don't.

9 Q. If I said the name Vito Geraputo (ph.), would that mean
10 anything to you?

11 A. No, it wouldn't.

12 Q. When the fight moved outside and the doors ultimately
13 opened to the diner, you went outside to see?

14 A. I went outside, yes.

15 Q. And is it fair to say that other patrons from the diner
16 also crowded outside?

17 A. I believe so.

18 Q. So, there were a lot of people watching the fight and
19 there was a lot of people participating in the fight?

20 A. I believe so.

21 Q. Would you say approximately 80 people in general were
22 around that area?

23 A. That's hard to say. I did not stand there and count
24 people, sir, but there were a lot of people.

25 Q. A lot of people. And at some point in time you said you

Girard-cross/Farber

1 heard Michael Cotillo say help me, I'm dying?

2 A. Yes, I did.

3 Q. And, then, isn't it correct someone said get him into a
4 car, let's get him to the hospital quickly?

5 A. That I would believe, yes, sir.

6 Q. Do you recall hearing that?

7 A. Yes, sir.

8 Q. And, in fact, do you also recall people screaming Phil
9 Brown did it?

10 A. No, sir.

11 Q. You don't recall telling the police when you were
12 interviewed?

13 A. Me, sir. No, sir, absolutely not.

14 Q. I'm going to show you 3500 JG-1. I will ask you to take
15 a look at the bottom part of this page. See if it refreshes
16 your recollection.

17 (Witness reads.)

18 A. No, sir, absolutely not.

19 Q. It does not refresh your recollection?

20 A. No, it doesn't.

21 Q. Thank you.

22 A. I don't believe I've ever said that, ever.

23 Q. Do you recall hearing people scream out the guy with the
24 brown curly hair did it?

25 A. No, sir.

Girard-cross/Farber

1 Q. You don't recall that either?

2 A. No.

3 Q. Do you recall seeing George LoCastro standing there with
4 his hand gushing blood?

5 A. Not until probably someone asked me to help this person.

6 Q. Isn't it correct after you were standing on one
7 staircase and you saw Michael Cotillo, you moved over to the
8 other staircase at the front of the diner?

9 A. No, I don't believe that.

10 Q. You don't recall that either?

11 A. No.

12 Q. I ask you to look at this document, 3500 JD-2. I ask
13 you to read the entire document for a moment.

14 A. It would be nice if I had my reading glasses.

15 Q. Sorry, I can't help you there.

16 (Law clerk hands the witness glasses.)

17 A. Thank you.

18 Q. Are you able to read it?

19 A. Yes, I am.

20 (Witness reading.)

21 A. Okay, sir.

22 Q. Does that refresh your recollection now as to where you
23 were standing on the diner -- by the diner before and after
24 Michael Cotillo was stabbed?

25 A. I don't recall that. I recall standing on one side of

Girard-cross/Farber

1 the diner. There were two sides of the diner. I don't
2 believe I would have went downstairs and then came back up.
3 I wanted to leave the area.

4 Q. You were interviewed by the police that night or shortly
5 thereafter?

6 A. That night? I don't believe it was that night,
7 absolutely not.

8 Q. The day after?

9 A. I don't believe it was until March. After my mother's
10 death.

11 Q. I'm sorry about that. Is it fair to say the day you
12 were interviewed the memory of the events of that night was
13 better than it is today?

14 A. Well, I would say so. But I don't believe -- I don't
15 recall a lot of this in here.

16 Q. Does it help refresh your recollection when you read it?
17 (Witness reading.)

18 A. To some degree, yes.

19 Q. Do you recall seeing George LoCastro with his hand
20 bandaged up with some sort of cloth to stop the bleeding?

21 A. Well, I would believe that. I can't recall the whole
22 entire incident. This is 33 years later, sir.

23 Q. I understand that.

24 Do you recall taking him in your car to go to the
25 hospital?

Girard-cross/Farber

1 A. Yes.

2 Q. And you indicated that -- isn't it a fact at the time
3 you got into the car with Mr. LoCastro he said to you
4 spontaneously on his own it wasn't my knife that stabbed
5 Mike?

6 A. Yes.

7 Q. And that is when you said I want to see your knife?

8 A. Yes.

9 Q. And he produced a wooden handle pocket knife with a
10 blade about three to four inches long, if you recall?

11 A. I recall a knife, sir. I would not be able to identify
12 it.

13 Q. At the point in time he showed you this knife, you were
14 inside your car already?

15 A. Yes.

16 Q. And it is nighttime?

17 A. Yes.

18 Q. So, the best of your ability, looking at that knife, you
19 didn't see blood?

20 A. I have an overhead light, sir.

21 Q. This is a -- the middle of the night, correct?

22 A. Right.

23 Q. You had the dome light on in the car?

24 A. Right.

25 Q. You had been smoking pot earlier that evening?

Girard-cross/Farber

1 A. There was no repercussion from that little bit of pot,
2 sir.

3 Q. Is it fair to say your hands were shaking?

4 A. I would say so.

5 Q. You were very nervous?

6 A. Yes.

7 Q. You were very upset?

8 A. Yes.

9 Q. You had just witnessed a young man get stabbed?

10 A. Incorrect, sir.

11 Q. You had just known someone got stabbed?

12 A. Yes.

13 Q. And now you had a close friend of yours in the car who
14 was bleeding?

15 A. Yes.

16 Q. Is it fair to say you took a quick look at that knife
17 and handed it back to him?

18 A. I took a very good look at that knife, sir.

19 Q. You examined it up close, one end to the other?

20 A. It is not hard to see blood, sir.

21 Q. Do you have any idea whether or not the knife had been
22 wiped off before he put it back in his pocket?

23 A. It looked too clean, sir.

24 Q. Do you know what you were looking for?

25 A. Any type of smudge mark, blood mark.

Girard-cross/Farber

1 Q. You drove to the hospital, you went to Interboro first?

2 A. Yes.

3 Q. In fact, you didn't go inside with him?

4 A. No.

5 Q. And the reason you didn't go inside is because he saw
6 that friends of Michael Cotillo were there and he didn't want
7 any revenge; isn't that correct?

8 A. No, sir.

9 Q. I will ask you to take a look at the document in front
10 of you again and see if it refreshes your recollection as to
11 why you did not go inside Interboro Hospital.

12 (Witness reading.)

13 A. I don't recall saying that, sir.

14 Q. And you brought him to another hospital, correct?

15 A. Yes.

16 Q. And that other hospital was where?

17 A. Jamaica Hospital.

18 Q. And at Jamaica Hospital he gave a fake name?

19 A. I believe so.

20 Q. He gave the name of Joseph Gallo, was it?

21 A. That I don't know, sir.

22 MR. FARBER: I have no further questions. Thank
23 you.

24 MR. BURLINGAME: Very briefly, Judge.

25 THE COURT: Brief.

Girard-redirect/Burlingame

1 REDIRECT EXAMINATION

2 BY MR. BURLINGAME:

3 Q. Ms. Girard, you testified that after Cotillo's murder
4 you were interviewed by the police?

5 A. Yes.

6 Q. The best of your recollection that was in March?

7 A. Of, yes, '78.

8 Q. March of '78. When was the next time you were
9 interviewed by the police?

10 A. Probably not until about -- right before 9/11, I would
11 say.

12 Q. Do you remember if you were --?

13 A. 2001.

14 Q. Do you remember if you were interviewed twice in 1978?

15 A. Yes, probably.

16 Q. Then you were interviewed again right before 9/11?

17 A. Yes.

18 Q. And you were just shown a police report by Mr. Farber,
19 correct?

20 A. Yes.

21 Q. Those are notes that an interviewing officer took with
22 you?

23 A. Excuse me.

24 Q. Those are notes one of the officers who interviewed you
25 took with you?

Girard-redirect/Burlingame

1 A. Yes.

2 THE COURT: No, strike that.

3 Q. Were you shown any police reports in preparation for
4 your testimony?

5 A. No, sir.

6 Q. Were you allowed to read them?

7 A. No, sir.

8 Q. Going back to the Government Exhibit 3500 JG-1, which
9 was just shown to you, do you recall making the statement to
10 the interviewing officer that you said that Charles Carneglia
11 --?

12 MR. FARBER: Objection.

13 THE COURT: You may ask.

14 Q. -- you said that Charles Carneglia was on the sidewalk
15 in front of the diner, when Cotillo fell to the ground a few
16 people yelled where did Charles go; do you remember that?

17 A. No, sir.

18 Q. You testified earlier your recollection was better when
19 you were interviewed March 18, 1978 than it is now?

20 A. I would believe so, but I don't recall saying that.

21 Q. Mr. Farber also asked you questions about people saying
22 that Phil Brown did it. Does this refresh your recollection
23 as to what you said to the officer?

24 A. No.

25 Q. You also indicated when a few people had said that Phil

Girard-redirect/Burlingame

1 Brown did it, a female said it wasn't Brown, but a thin,
2 curly brown haired guy. Does that refresh your recollection
3 of what you said to the officer?

4 A. No, it doesn't, sir.

5 Q. You said you spoke to the officers twice. Is your
6 recollection that your testimony here today was consistent
7 with what you said to the police?

8 THE COURT: Don't answer that.

9 Q. Do you remember telling the police officers that as you
10 walked through the left parking lot on your way to the diner
11 you recall seeing Phil Brown arguing with Charles Carneglia?

12 A. No, I don't recall that, sir.

13 Q. If I showed you your report from 1978, do you think that
14 would help your recollection?

15 A. Truthfully, no, because I don't recall ever saying that.

16 Q. If I told you that you had said it --

17 MR. FARBER: Objection.

18 THE COURT: Sustained.

19 Q. Do you recall Mr. Farber asked you some questions about
20 an individual named George LoCastro?

21 A. Yes, right.

22 Q. Do you know if the person whose name you can't remember
23 is George LoCastro?

24 A. I don't believe so.

25 Q. Do you remember exactly the conversation that you had

1 with him concerning his knife?

2 A. No.

3 Q. Do you remember him saying it wasn't my knife and then
4 you examining it, seeing no blood on it, giving it back to
5 him and putting it in the glove compartment?

6 A. I believe so.

7 Q. Do you remember LoCastro telling you he was going to
8 tell the nurse that he was cut by glass and use the name of
9 Joseph Gallo?

10 A. I don't recall that.

11 Q. But you do recall that this person, Charles Carneglia,
12 was at the Blue Fountain Diner the night Michael Cotillo was
13 stabbed?

14 A. Yes.

15 MR. BURLINGAME: I have nothing further, Judge.

16 THE COURT: Remember I told you don't rely on the
17 question. It is the answer. So, if the question suggests a
18 witness said something and she denies it, it is not the
19 question that counts.

20 Tomorrow ten o'clock, please.

21 Monday you're off, President's Day.

22 (The jury exits the courtroom.)

23 THE COURT: Thank you, madam. I know it was
24 difficult for you. Thank you for coming in.

25 THE WITNESS: Thank you.

1 THE COURT: Good night.

2 Now, you may leave. Thank you.

3 THE WITNESS: Thank you.

4 THE COURT: In the future do not ever involve the
5 sitting Judge on a trial in the sentence, because when you
6 suggest that I am going to sentence this witness, you suggest
7 that he's telling the truth because I am evaluating him.
8 That is not the case and that's why I instructed the jury,
9 so, don't do it again.

10 Thank you.

11 MR. FARBER: Judge, do you still want us at nine
12 o'clock tomorrow or 9:30?

13 THE COURT: 9:30 for motions.

14 MS. SHARKEY: Judge, I want to confirm that the
15 witnesses tomorrow are Vandette, Engel, Hopkins, Spiro,
16 Moriano --

17 MR. BURLINGAME: It is anticipated at the moment.

18 THE COURT: Excuse me. I don't want to hear this
19 discussion. I'll see you at 9:30. That's why we have those
20 morning meetings.

21 MR. FARBER: Good evening, your Honor.

22 THE COURT: Good night.

23 (An adjournment was taken to Tuesday, February 10,
24 2009 at 9:30 a.m.)
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I N D E X

23, 24, 316 A, 131, 130, 316 B.....	
1526	
Court Exhibit 3, Government 23.....	
1527	
A N T H O N Y R U G G I A N O.....	1537
DIRECT EXAMINATION	
BY MR. NORRIS:	
1537	
Government's Exhibit 2 XXX.....	
1556 CROSS EXAMINATION BY MS. SHARKEY	
1703	
REDIRECT EXAMINATION	
BY MR. NORRIS:	
1794	
3500-AR-3A.....	
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DIRECT EXAMINATION	
BY MR. BURLINGAME:	
1799	
Government's Exhibit 26.....	
1800	
Government's Exhibit 21.....	
1801	

1 CROSS-EXAMINATION

2 BY MR. FARBER:

3 1811

4 REDIRECT EXAMINATION

5 BY MR. BURLINGAME:

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